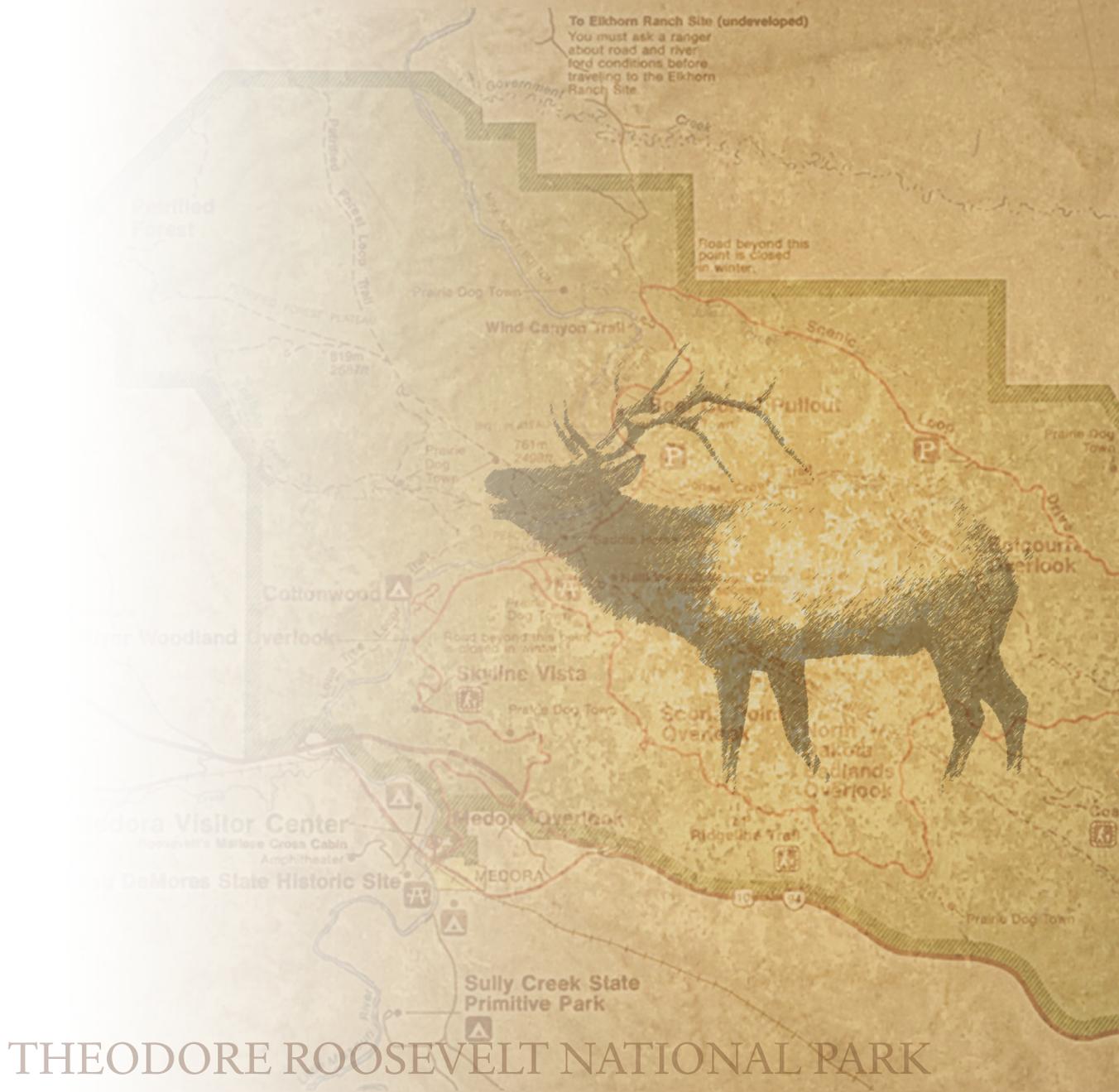


ATTACHMENT 2



**Theodore Roosevelt National Park
Elk Management Plan and
Environmental Impact Statement

Comment Response Report**

March 2010

INTRODUCTION AND GUIDE

INTRODUCTION

Pursuant to the National Environmental Policy Act (NEPA), its implementing regulations, and NPS guidance on meeting the Service's NEPA obligations, Theodore Roosevelt National Park (the park) must assess and consider comments submitted on the Draft Elk Management Plan/Environmental Impact Statement (plan/DEIS), the park preferred alternative, and the environmentally preferable alternative and provide responses. This report describes how the NPS considered public comments and provides responses to those comments.

Following the release of the plan/DEIS, a 90-day public comment period was open between December 17, 2008 and March 19, 2009. This public comment period was announced through the park's website (www.nps.gov/thro), through mailings sent to interested parties, elected officials, and appropriate local and state agencies, and through press releases and newspapers. The plan/DEIS was made available through several outlets, including the NPS's Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov/>, and available on CD or hardcopy by contacting the park Superintendent. After reviewing the plan/DEIS, the public was encouraged to submit comments regarding the plan/DEIS through the NPS's PEPC website, emailing the park directly, faxing the park, or by postal mail sent directly to the park.

Following the public comment period for the plan/DEIS, the park identified a park preferred alternative and an environmentally preferable alternative. A 30-day public comment period was open between August 10, 2009 and September 9, 2009 in order to accept comments regarding the park preferred and environmentally preferable alternatives. This public comment period was announced through the park's website (www.nps.gov/thro), through mailings sent to interested parties, elected officials, and appropriate local and state agencies, through press releases and newspapers, as well as a newsletter that was issued by the park. After reviewing the park preferred and the environmentally preferable alternatives, the public was encouraged to submit comments regarding the two alternatives through the NPS's PEPC website, emailing the park directly, faxing the park, or by postal mail sent directly to the park.

PLAN/DEIS PUBLIC COMMENT MEETINGS

The Draft Elk Management Plan/Environmental Impact Statement was available for public review and comment between December 17, 2008 and March 19, 2009. In addition, 6 public meetings were held to present the plan and solicit input in February 2009. Public meetings were held to present the plan/DEIS, provide an opportunity to ask questions, and facilitate public involvement and community feedback on the plan/DEIS for elk management at Theodore Roosevelt National Park.

All six of the public meetings were held during the public comment period for the plan/DEIS, as follows:

- February 23, 2009 from 5:00 pm to 8:30 pm at the Grand Dakota Lodge & Convention Center in Dickinson, North Dakota.
- February 24, 2009 from 5:00 pm to 8:30 pm at the Holiday Inn in Fargo, North Dakota.
- February 25, 2009 at the Canad Inn from 5:00 pm to 8:30 pm in Grand Forks, North Dakota.

- February 26, 2009 from 5:00 pm to 8:30 pm at the International Inn in Minot, North Dakota.
- February 27, 2009 from 5:00 pm to 8:30 pm at the Best Western Seven Seas Inn & Convention Center in Mandan/Bismarck, North Dakota.
- February 28, 2009 from 2:30 pm to 5:00 pm at the Medora Community Center in Medora, North Dakota.

These public meetings were held to continue the public involvement process and to obtain community feedback on the plan/DEIS for elk management at Theodore Roosevelt National Park. Release and availability of the draft plan, as well as public meetings, were advertised as described above.

A total of 304 meeting attendees signed in during the six meetings. The meetings began with a brief open house format where attendees had the opportunity to ask questions and observe informational displays illustrating the study area, the purpose, need, and objectives of the plan, and summaries of the six proposed alternatives, as well as information of chronic wasting disease (CWD), the history of elk management at the park, and the project timeline. The open house format was followed by a formal presentation by park staff, explaining the specifics of the plan and the proposed alternatives. The presentation was followed by another open house format that allowed the attendees to submit comments, and discuss issues with the project team in small groups. Comments made to park staff during either of the open house formats were recorded on flip charts. If the commenter did not want to make comments at the meetings, comment sheets were available at the sign-in table. Attendees could fill out the forms and submit them at the meeting or mail them to the park at any time during the public comment period. Those attending the meeting were also given a public meeting informational handout, which provided additional information about the NEPA process, commonly asked questions regarding the project, and additional opportunities for comment on the project, including directing comments to the NPS's Planning, Environment, and Public Comment (PEPC) website at <http://parkplanning.nps.gov>. Public comments received are detailed in the following sections of this report. Each comment recorded on flip charts at the meetings was counted as a separate comment.

No public meetings were held during the comment period for the park preferred and environmentally preferable alternatives.

METHODOLOGY

Plan/DEIS Public Comment Period

During the comment period for the plan/DEIS, 390 pieces of correspondence were received. Correspondences were received by one of the following methods: email, hard copy letter via mail, comment sheet submitted at the public meetings, recorded on flipcharts during the public meetings, or entered directly into the Internet-based PEPC system. Letters received by email or through the postal mail, as well as the comments received from the public meetings, were entered into the PEPC system for analysis. Each of these letters or submissions is referred to as a correspondence.

Once all the correspondences were entered into PEPC, each was read, and specific comments within each correspondence were identified. A total of 911 comments were derived from the correspondences received.

In order to categorize and address comments, each comment was given a code to identify the general content of a comment and to group similar comments together. A total of 89 codes were

used to categorize all of the comments received on the plan/DEIS. An example of a code developed for this project is *AL13010 Alternatives: Support Alternative C - Roundup and Euthanasia*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea.

During coding, comments were also classified as substantive or non-substantive. A substantive comment is defined in the NPS Director's Order #12 (DO-12) Handbook as one that does one or more of the following (DO-12, Section 4.6A):

- Question, with a reasonable basis, the accuracy of information presented in the EIS;
- Question, with reasonable basis, the adequacy of the environmental analysis;
- Present reasonable alternatives other than those presented in the EIS; and/or
- Cause changes or revisions in the proposal.

As further stated in DO-12, substantive comments “raise, debate, or question a point of fact or policy. Comments in favor of or against the proposed action or alternatives, or comments that only agree or disagree with NPS policy, are not considered substantive.” While all comments were read and considered and will be used to help create the Final Plan/EIS, only those determined to be substantive are typically analyzed for creation of concern statements for response from the NPS, described below.

Under each code, all substantive comments were grouped by similar themes, and those groups were summarized with a concern statement. For example under the code *AL10030 Alternatives: Alternative B - Direct Reduction with Firearms*, one concern statement identified was, “Commenters stated that using “authorized agents” or “skilled volunteers” in alternative B would qualify as a recreational opportunity for those agents, which would be in violation of the laws that guide NPS management and the use of volunteers. They further state that the use of volunteers to lethally remove the elk is imprudent based on the fact that this same issue is being contested at Rocky Mountain National Park.” This one concern statement captured many comments. Following each concern statement are one or more “representative quotes” which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement.

Approximately 31.56% of the comments received related to 1 of the 93 codes – AL2015: Alternatives: Alternatives Eliminated - Public Hunting within the Park (Non-Substantive). Comments coded under AL2025: Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative) (Non-Substantive) were the second most common comment, representing 5.95% of the total comments made. Of the 390 correspondences, 258 (66%) came from commenters in the state of North Dakota, while the remaining correspondences came from 34 other states. The majority of comments (93.59%) came from unaffiliated individuals, with 7.02% of the comments coming from conservation/preservation organizations.

Park Preferred/Environmentally Preferable Alternatives Public Comment Period

Based on comments received from the public during the plan/DEIS public comment period, the park identified a park preferred alternative and an environmentally preferable alternative. The public was given an opportunity to submit comments regarding these two alternatives between August 10, 2009 and September 9, 2009. During the comment period for the park preferred and environmentally preferable alternatives, 11,986 pieces of correspondence were received. Correspondences were received by one of the following methods: email, hard copy letter via mail, or entered directly into the Internet-based PEPC system. Letters received by email or through the postal mail were entered into the PEPC system for analysis. Each of these letters or submissions is referred to as a correspondence.

Once all the correspondences were entered into PEPC, each was read, and specific comments within each correspondence were identified. A total of 46,435 comments were derived from the correspondences received.

In order to categorize and address comments, each comment was given a code to identify the general content of a comment and to group similar comments together. A total of 62 codes were used to categorize all of the comments received on the plan/DEIS. An example of a code developed for this project is *AL3005 Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may contain more than one issue or idea. For this phase of the project, comments were also classified as substantive or non-substantive. While all comments were read and considered and will be used to help create the Final Plan/EIS, only those determined to be substantive are typically analyzed for creation of concern statements for response from the NPS, described below.

Under each code, all substantive comments were grouped by similar themes, and those groups were summarized with a concern statement. For example under the code *AL3005 Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D*, one concern statement identified was, “Several commenters had questions regarding the specific requirements for the supervised volunteers including proficiency requirements, use of personal weapons, background checks, and expenses.” This one concern statement captured many comments. Following each concern statement are one or more “representative quotes” which are comments taken from the correspondence to illustrate the issue, concern, or idea expressed by the comments grouped under that concern statement.

Approximately 98.46% of the comments received related to 4 of the 68 codes – AL2015: Alternatives: Alternatives Eliminated - Public Hunting within the Park (Non-Substantive), AL3005: Alternatives: Park Preferable Alternative - Combination of Alts. B, C, and D, AL3010: Alternatives: Support the Park Preferable Alternative, and CC1000: Consultation and Coordination: General Comments. Of the 11,986 correspondences, 11,158 (93.09%) came from commenters in the state of Pennsylvania. The majority of comments (99.89%) came from unaffiliated individuals, with 0.07% of the comments coming from conservation/preservation organizations.

GUIDE TO THIS DOCUMENT

This report is organized as follows:

Attachment 1: Plan/DEIS Public Comment Analysis

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code and by various demographics. The first section is a summary of the number of comments that fall under each code or topic, and what percentage of comments fall under each code. Note that those coded “XX1000 – Duplicate Comment” represent comments that were entered into the system twice and are not additional comments on the document.

Data are then presented on the correspondence by type (i.e., amount of faxes, emails, letters, etc.); and amount received by organization type (i.e., organizations, governments, individuals, etc.), and amount received by state.

Concern Response Report: This report summarizes the substantive comments received during the DEIS public review comment process. These comments are organized by codes and further organized into concern statements. Representative quotes are then provided for each concern

statement. An agency response is provided for each concern statement. Following the comment responses, reproductions of comments received by government agencies, businesses and organizations on the DEIS are included.

Attachment 2: Park Preferred/Environmentally Preferable Public Comment Analysis

Content Analysis Report: This is the basic report produced from PEPC that provides information on the numbers and types of comments received, organized by code and by various demographics. The first section is a summary of the number of comments that fall under each code or topic, and what percentage of comments fall under each code. Note that those coded “XX1000 – Duplicate Comment” represent comments that were entered into the system twice and are not additional comments on the document.

Data are then presented on the correspondence by type (i.e., amount of faxes, emails, letters, etc.); and amount received by organization type (i.e., organizations, governments, individuals, etc.), and amount received by state.

Concern Response Report: This report summarizes the substantive comments received during the park preferred and environmentally preferable public review comment process. These comments are organized by codes and further organized into concern statements. Representative quotes are then provided for each concern statement. An agency response is provided for each concern statement. Following the comment responses, reproductions of comments received by government agencies, businesses and organizations on the preferred and environmentally preferable alternatives are included.

ATTACHMENT 1: PLAN/DEIS PUBLIC COMMENT ANALYSIS

CONTENT ANALYSIS REPORT

Document Title: Draft Elk Management Plan/Environmental Impact Statement

Comment Distribution by Code

(Note: Each comment may have multiple codes. As a result, the total number of comments may be different than the actual comment totals)

Code	Description	# of Comments	% of Comments
AE12000	Affected Environment: Wildlife And Wildlife Habitat	1	0.11%
AE12050	Affected Environment: Wildlife and Wildlife Habitat (Non-Substantive)	1	0.11%
AE21000	Affected Environment: Socioeconomics	5	0.53%
AE21050	Affected Environment: Socioeconomics (Non-Substantive)	1	0.11%
AE22050	Affected Environment: Visitor Use (Non-Substantive)	3	0.32%
AE25000	Affected Environment: Elk Population	3	0.32%
AE25500	Affected Environment: Elk Population (Non-Substantive)	4	0.43%
AE26000	Affected Environment: Park Operations	1	0.11%
AE26500	Affected Environment: Park Operations (Non-Substantive)	1	0.11%
AE9000	Affected Environment: Vegetation	1	0.11%
AL1000	Alternatives: Elements Common To All Alternatives	4	0.43%
AL10000	Alternatives: Alternative A - No Action	2	0.21%
AL10010	Alternatives: Support Alternative A - No Action	4	0.43%
AL10020	Alternatives: Oppose Alternative A - No Action	15	1.59%
AL10024	Alternatives: Alternative A - Cost and Funding (Non-Substantive)	1	0.11%
AL10030	Alternatives: Alternative B - Direct Reduction with Firearms	29	3.08%
AL10035	Alternatives: Alternative B - Direct Reduction with Firearms (Non-Substantive)	2	0.21%
AL11000	Alternatives: Support Alternative B - Direct Reduction with Firearms	45	4.78%
AL11010	Alternatives: Oppose Alternative B - Direct Reduction with Firearms	35	3.72%
AL12000	Alternatives: Alternative B - Cost and Funding	5	0.53%

Code	Description	# of Comments	% of Comments
AL12010	Alternatives: Alternative B - Cost and Funding (Non-Substantive)	12	1.28%
AL13000	Alternatives: Alternative C - Roundup and Euthanasia	4	0.43%
AL13010	Alternatives: Support Alternative C - Roundup and Euthanasia	29	3.08%
AL13015	Alternatives: Oppose Alternative C - Roundup and Euthanasia	8	0.85%
AL13020	Alternatives: Alternative C - Cost and Funding	1	0.11%
AL13030	Alternatives: Alternative C - Cost and Funding (Non-Substantive)	4	0.43%
AL13040	Alternatives: Alternative D - Testing and Translocation	5	0.53%
AL13045	Alternatives: Alternative D - Testing and Translocation (Non-Substantive)	1	0.11%
AL13050	Alternatives: Support Alternative D - Testing and Translocation	34	3.61%
AL14000	Alternatives: Oppose Alternative D - Testing and Translocation	13	1.38%
AL14010	Alternatives: Alternative D - Cost and Funding	1	0.11%
AL14020	Alternatives: Alternative D - Cost and Funding (Non-Substantive)	2	0.21%
AL1500	Alternatives: Elements Common To All Alternatives (Non-Substantive)	9	0.96%
AL15000	Alternatives: Alternative E - Increased Hunting Opportunities Outside the Park	20	2.13%
AL15005	Alternatives: Alternative E - Increased Hunting Opportunities Outside the Park (Non-Substantive)	2	0.21%
AL15010	Alternatives: Support Alternative E - Increased Hunting Opportunities Outside the Park	52	5.53%
AL15015	Alternatives: Oppose Alternative E - Increased Hunting Opportunities Outside the Park	33	3.51%
AL16010	Alternatives: Alternative E - Cost and Funding	4	0.43%
AL16020	Alternatives: Alternative E - Cost and Funding (Non-Substantive)	10	1.06%
AL16030	Alternatives: Alternative F - Maintenance Only Fertility Control	1	0.11%
AL17000	Alternatives: Support Alternative F - Maintenance Only Fertility Control	6	0.64%
AL17010	Alternatives: Oppose Alternative F - Maintenance Only Fertility Control	9	0.96%
AL17017	Alternatives: Alternative F - Cost and Funding (Non-Substantive)	1	0.11%
AL17020	Alternatives: Cost and Funding (General)	1	0.11%
AL17030	Alternatives: Cost and Funding (General) (Non-Substantive)	7	0.74%
AL19030	Alternatives: Adaptive Management	1	0.11%
AL19040	Alternatives: Adaptive Management (Non-Substantive)	6	0.64%
AL20000	Alternatives: Support Changing NPS/Park Policy	39	4.14%
AL20010	Alternatives: Oppose Changing NPS Park Policy	6	0.64%

Code	Description	# of Comments	% of Comments
AL2015	Alternatives: Alternatives Eliminated - Public Hunting within the Park (Non-Substantive)	297	31.56%
AL2020	Alternatives: Alternatives Eliminated - Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative)	3	0.32%
AL2025	Alternatives: Alternatives Eliminated - Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative) (Non-Substantive)	56	5.95%
AL2035	Alternatives: Alternatives Eliminated - Removal of All Elk in the Park (Non-Substantive)	3	0.32%
AL2050	Alternatives: Alternatives Eliminated - Move Elk to the North Unit	2	0.21%
AL2065	Alternatives: Alternatives Eliminated - Reintroduction of Natural Elk Predators (Non-Substantive)	11	1.17%
AL2085	Alternatives: Alternatives Eliminated - Removal of Feral Horses (Non-Substantive)	2	0.21%
AL3000	Alternatives: Envir. Preferred Alt./NEPA § .101&102	3	0.32%
AL4000	Alternatives: New Alternatives Or Elements	28	2.98%
AL4500	Alternatives: New Alternatives Or Elements (Non-Substantive)	15	1.59%
AL5000	Alternatives: Support Elk Management in Park	17	1.81%
AL5030	Alternatives: Non-Lethal Methods (General) (Non-Substantive)	2	0.21%
AL5040	Alternatives: Lethal Methods (General)	2	0.21%
AL5050	Alternatives: Lethal Methods (General) (Non-Substantive)	9	0.96%
AL5070	Alternatives: Timing of Actions (Non-Substantive)	2	0.21%
AL5080	Alternatives: Carcass Management	2	0.21%
AL5090	Alternatives: Carcass Management (Non-Substantive)	4	0.43%
AL6000	Alternatives: Research and Monitoring	1	0.11%
AL6010	Alternatives: Research and Monitoring (Non-Substantive)	1	0.11%
AL6040	Alternatives: Oppose all Proposed Alternatives	10	1.06%
CC1000	Consultation and Coordination: General Comments	5	0.53%
CC1500	Consultation and Coordination: General Comments (Non-Substantive)	14	1.49%
CR4000	Cultural Resources: Impact Of Proposal And Alternatives	1	0.11%
EL11000	Elk Population: Desired Conditions	2	0.21%
EL2000	Elk Population: Methodology and Assumptions	1	0.11%
EL4000	Elk Population: Impact of Proposal and Alternatives	2	0.21%
LU5500	Land Use: Impact Of Proposal And Alternatives (Non-Substantive)	1	0.11%
MT1000	Miscellaneous Topics: General Comments	39	4.14%

Code	Description	# of Comments	% of Comments
ON1000	Other NEPA Issues: General Comments	6	0.64%
ON2000	Other NEPA Issues: General Comments (Non-Substantive)	6	0.64%
PN4000	Purpose And Need: Park Legislation/Authority	2	0.21%
PN4500	Purpose And Need: Park Legislation/Authority (Non-Substantive)	1	0.11%
PN8000	Purpose And Need: Objectives In Taking Action	1	0.11%
PN8500	Purpose And Need: Objectives In Taking Action (Non-Substantive)	3	0.32%
SE4000	Socioeconomics: Impact Of Proposal And Alternatives	6	0.64%
SE4010	Socioeconomics: Impacts of Proposal and Alternatives	8	0.85%
VE4000	Visitor Experience: Impact Of Proposal And Alternatives	2	0.21%
VE7000	Visitor Experience: Ethics of Hunting in National Parks	3	0.32%
VR11000	Vegetation and Riparian Areas: Desired Conditions	2	0.21%
VR4500	Vegetation And Riparian Areas: Impact Of Proposal And Alternatives (Non-Substantive)	1	0.11%
VS4000	Visitor Conflicts And Safety: Impact Of Proposal And Alternatives	1	0.11%
WH14000	Wildlife and Wildlife Habitat: General Elk Management	1	0.11%
WH4000	Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives	1	0.11%
XX1000	Duplicate Comment/Correspondence	10	1.06%
Total		941	

Distribution by Correspondence Type

Type	# of Correspondences	% of Correspondences
Web Form	294	75.38%
Other	7	1.79%
Park Form	15	3.85%
Fax	2	0.51%
Letter	57	14.62%
E-mail	15	3.85%
Total	390	100.00%

Correspondence Signature Count by Organization Type

Organization Type	# of Correspondences	% of Comments
Business	2	0.51%
Federal Government	1	0.26%
University/Professional Society	2	0.51%
Conservation/Preservation	11	2.82%
State Government	2	0.51%
Non-Governmental	1	0.26%
Tribal Government	1	0.26%
Unaffiliated Individual	365	93.59%
Civic Groups	5	1.28%
Total	390	100.00%

Correspondence Distribution by State

State	Percentage	# of Correspondences
OK	1%	2
N/A	1%	3
MN	1%	5
SD	2%	7
WV	1%	3
ND	66%	259
CA	1%	3
WI	3%	10
MA	0%	1
VA	1%	2
OH	1%	4
MD	0%	1
TN	0%	1

State	Percentage	# of Correspondences
IL	1%	4
UT	1%	2
GA	0%	1
MI	0%	1
CO	4%	14
IA	1%	3
MT	2%	9
NY	1%	3
DC	1%	2
SC	0%	1
TX	2%	9
FL	1%	4
NV	1%	2
IN	1%	3
WA	1%	2
MO	2%	6
VT	1%	2
ID	1%	3
OR	1%	5
AZ	1%	4
PA	1%	2
NC	0%	1
Total	100%	390

CONCERN RESPONSE REPORT

Theodore Roosevelt National Park Draft Elk Management Plan/Environmental Impact Statement Concern Response Report

AE12000 - Affected Environment: Wildlife And Wildlife Habitat

Concern ID: 22350

CONCERN STATEMENT: One commenter suggested that the Plan/EIS should include information on the number of bison, horse, white-tailed deer, and prairie dogs living in the park, as well as forage information on these same species.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95034 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 17. In description of the South Unit, please provide an estimate of the bison, horse, and white-tailed and mule deer numbers, and possibly the prairie dog population (perhaps in acres, rather than in animals). Somewhere in the EIS, describe an estimate of the potential competition of forage these species may have within the South Unit of TRNP.

Response: Population estimates for bison and feral horses are discussed in Chapter 3 of the EIS. The NPS does not conduct population estimates for deer (white-tailed or mule deer), but data on black-tailed prairie dogs have been added to the discussion of mammals in the Affected Environment chapter of the final EIS. Diet of ungulates in the park is discussed in Chapter 3 of the EIS, and additional forage information for prairie dogs has been added into the discussion of mammals in the final EIS. Also, the analysis of potential competition for forage in the Other Wildlife and Wildlife Habitat section of the Environmental Consequences chapter has been expanded in the final EIS.

AE21000 - Affected Environment: Socioeconomics

Concern ID: 22351

CONCERN STATEMENT: Commenters stated that the Plan/EIS should address the adverse socioeconomic impact that has allegedly already been incurred by adjacent landowners and ranchers, specifically the elk's added pressure on the foraging resources in National Grasslands, and the current level of depredation on private property caused by elk.

Representative Quote(s): **Corr. ID:** 384 **Organization:** Vogel Law Firm

Comment ID: 95609 **Organization Type:** Business

Representative Quote: Another foreseeable economic impact to area ranchers is an expected reduction of cattle allowed to run on the National Grasslands. Overgrazing caused by the burgeoning elk population could likely result in the Forest Service reducing the allowable private cattle numbers allowed to graze on the Grasslands. There is only so much grass available to support the variety of animal units in the Grasslands. As elk numbers exponentially increase, there may be a correlating decrease in grazing permits issued to local ranchers. The elk's added pressure on the foraging resources in the National Grasslands will force local ranchers to supplement cattle feeding and even seek out replacement pasture. This is a reasonably foreseeable result of insufficient management by the NPS, and in fact, it has happened near other National Parks with unmanaged elk populations. The anticipated impact on the National Grasslands and on the ranchers who run cattle on the Grasslands should be further studied and disclosed in the Final EIS.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95596 **Organization Type:** Business

Representative Quote: NPS may claim that it is only charged with managing elk within the TRNP, so it does not need to identify the population outside of the TRNP, nor discuss the level of depredation outside the TRNP. Yet, since one of the alternatives considered to reduce the TRNP elk population is simply to chase the elk herd outside the TRNP boundaries and let private landowners deal with the resulting problems, NPS must fully disclose the current population and level of depredation outside the TRNP to adequately inform the public and take a hard look at the impacts of the alternatives on the human environment. In the interests of full disclosure, the final EIS must include the annual census numbers for each of the past 9 years.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95606 **Organization Type:** Business

Representative Quote: The EIS must inform the public of the potential to significantly impact the human environment, yet the NPS fails to provide any information on the current level of depredation and damage that the elk occasion on private landowners, and also fails to forecast the additional level of depredation and damages that is reasonably foreseeable if NPS chases an additional 1358 elk onto private land. As such, the EIS is insufficient.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95608 **Organization Type:** Business

Representative Quote: While the County undisputedly achieves financial benefits from tourism (about 6% of the economic base of the county), the backbone of the economy and the social structure of Billings County is undoubtedly its local farmers and ranchers. An economic study conducted in 1996 reports that agriculture provided for over 33% of the employment within the County. (See attached "Economic Profile of Billings County," by Bangsund & Leistritz, 1996.) Agriculture provides 35% of the economic base of the County. The largest land use in Billings County is agricultural, with 76% of the land used for livestock grazing and 18% of land for crop production. Elk-related adverse impacts on local agriculture have a direct adverse impact on Billings County, both economically and socially. As local farmers and ranchers suffer, so does the County. The need for and costs of erecting and maintaining fences to protect feed stocks and crops surrounding the TRNP has increased dramatically. Feed stocks and crops entice elk to jump fences. When elk jump fences, they typically drag their feet, breaking the top few wires of a wire

fence, causing constant need for farmers and ranchers to continually maintain fences. As the overpopulated elk herd descends on grasslands, feed stocks and hay storage areas, ranchers are forced to expend significant resources to replace the lost feed for their own animals. Our area ranchers should not be spending their hard-earned money feeding elk that the NPS has failed to manage.

Response:

The EIS discloses potential impacts to adjacent grazing operations, and acknowledges the potential for a reduction in USFS grazing permits. A quantitative analysis of this issue is precluded because data are not available to correlate the effect of elk grazing to a specific reduction in the number of animal unit months that would be available for grazing. Elk outside the park are not within the jurisdiction of the NPS. However, data have been requested from the state of North Dakota regarding elk population levels, as well as the level of depredation, outside the park. The EIS provides elk population survey estimates within the park from 1985 to 1992, when the population was small enough to conduct an annual census. Information on the size of the elk population from 1993 to 2008 is provided in Chapter 1 of the EIS, but annual survey data are not available. Chapter 1 of the EIS explains when data were collected, including when aerial surveys were conducted for population estimates. This information has been updated with data from 2009, and better summarized for the final EIS in tabular format.

Concern ID:

22352

CONCERN STATEMENT:

One commenter suggested that additional information should be provided in the Plan/EIS regarding a North Dakota Game and Fish Department Big Game Fund, and whether any money from this fund has been paid to private landowners as reimbursement for property damage caused by elk.

Representative Quote(s):

Corr. ID: 384

Organization: Vogel Law Firm

Comment ID: 95602

Organization Type: Business

Representative Quote: In the EIS, the NPS suggests that the NDGF maintains a Big Game Fund to reimburse private landowners for damages caused by wildlife, but no mention is made regarding whether that fund has provided payments to Billings County ranchers and farmers for damage done by the NPS's elk. Billings County is not aware of any payments made by the NDGF to private landowners for fences, crops and feed stocks damaged by elk. Rather than simply make a blanket statement that there is a fund available and administered by NDGF in some amount, the Final EIS should bullet out precisely how much has been and will be paid to private landowners in the case of depredation of elk over the past 10 years, which will give more information to private landowners regarding what they can expect under the various alternatives.

This is particularly important since the NDGF advises Billings County that they have no authority to provide monies from any such fund to pay farmers for damages occasioned by elk. Accordingly, it is curious what the EIS is referring to with regard to the existing compensation available to landowners. The NDGF confirmed that it does not provide staff or materials to assist farmers and ranchers with the myriad of fences broken by elk.

Response:

Discussion of the Big Game Fund on Page 9 of the DEIS was based on information from the State, found at <http://www.gf.nd.gov/maps/pli-program.html>. The

language has been updated in the FEIS on page 10 so that it is verbatim, it is cited, and it acknowledges "Payments will not be made for damage caused by wildlife."

AE25000 - Affected Environment: Elk Population

Concern ID: 22353

**CONCERN
STATEMENT:**

Commenters stated that the Plan/EIS does not sufficiently provide information regarding the current elk population level within the park boundaries, and further suggested that the Final Plan/EIS should include annual elk census data within the park since the year 2000, as well as population estimates for elk living outside the park's boundaries.

Representative Quote(s): **Corr. ID:** 384 **Organization:** Vogel Law Firm

Comment ID: 95595 **Organization Type:** Business

Representative Quote: Further, the EIS does not identify whether the 900 elk population number counts only elk found within the TRNP boundaries, or whether it includes the vast population of elk that reside on private and public lands outside the TRNP. Billings County assumes that the stated elk population reflects the number of elk located within TRNP boundaries on the date of a census. Again, more information should be included in the Final EIS to accurately portray the elk numbers both inside and outside the TRNP.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95593 **Organization Type:** Business

Representative Quote: Billings County questions the accuracy of the elk population number, estimated at 900 elk. The EIS timeline only reports the elk census through 2000, otherwise discussing a 'current' elk population of approximately 900 elk, without any reference of whether that number was observed in the park in 2005, 2007 or whether 'current' means 2009. Within the next few months, the elk numbers will likely jump by another 60% or more to account for spring calving. The Final EIS must disclose the historic annual elk census since 2000 and give the most current elk numbers as of the date of the Final EIS.

Response:

Elk outside the park are not within the jurisdiction of the NPS. However, data have been requested from the state of North Dakota regarding elk population levels outside the park. The EIS provides elk population survey estimates within the park from 1985 to 1992 in Chapter 1, when the population was small enough to conduct an annual census. Information on the size of the elk population from 1993 to 2008 is provided, but annual survey data are not available. Chapter 1 of the EIS explains when data were collected, including when aerial surveys were conducted for population estimates. This information has been updated with data from 2009, and better summarized in tabular format for the final EIS.

AE26000 - Affected Environment: Park Operations

Concern ID: 22354

CONCERN STATEMENT: One commenter claimed that the park purposely fails to maintain its boundary fences in an effort to encourage the elk to exit the park.

Representative Quote(s): **Corr. ID:** 384 **Organization:** Vogel Law Firm

Comment ID: 95623 **Organization Type:** Business

Representative Quote: The NPS knowingly fails to maintain TRNP fences in an effort to encourage the elk to seek forage outside the TRNP boundaries.

Response: The park diligently maintains the fence and makes repairs seasonally as operations and budget allow. As described in the EIS, the fence is meant to keep bison inside the park, and does not generally inhibit the movement of elk. Fence repairs due to erosion, normal deterioration, and intentional cutting (vandalism) are performed on a routine basis and under larger projects. For example, a major three year fence rehabilitation project was completed in 2009 that corrected all significant fence deficiencies at the time.

AE9000 - Affected Environment: Vegetation

Concern ID: 22355

CONCERN STATEMENT: One commenter questioned the low level of regeneration of aspen trees found within the park, and asked if there are any vegetation enclosures that may be contributing to the lack of regeneration within the park.

Representative Quote(s): **Corr. ID:** 332 **Organization:** Not Specified

Comment ID: 95798 **Organization Type:** University/Professional Society

Representative Quote: My experience has been that the number one reason aspen throughout the West fails to regenerate is ungulate herbivory---wild and/or domestic. Thus, with the low level of grazing/browsing that you say you have to TRNP, I find it very interesting that aspen is not regenerating. Are there any enclosures in TRNP???, especially in shrub or aspen communities??

Response: Aspen are present in the park, but as an infrequent and minor component of the vegetative landscape. Because aspen are so uncommon, little information regarding aspen regeneration has been collected. THRO park biologists rarely employ vegetation enclosures and none have been utilized in aspen habitat. The NPS is not aware of any data indicating adverse impacts from enclosures in badland habitats on aspen regeneration. With respect to linkages between aspen and elk, one comprehensive study on park ungulate diets revealed the lack of aspen in elk diets and for mule deer, aspen were only occasionally browsed.

ALI000 - Alternatives: Elements Common To All Alternatives

Concern ID: 22356

CONCERN STATEMENT: One commenter stated that any cost comparisons will ultimately deal with incremental costs of the research, monitoring, and CWD testing components of all the alternatives, for the 15-year management plan.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95042 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 51. Elements common to all. All alternatives require research, monitoring, and some measure of CWD monitoring, costing \$879,000 or more for the 15 years management plan. Any cost comparisons really only deal with incremental costs over these components of all the alternatives. Even the North Dakota Game and Fish Department alternative, page 95, has at least those costs, so in reality it is not free.

Response: The EIS acknowledges this in the cost estimates for each alternative in chapter 2. As described in the comment, these costs would be incurred regardless of the alternative, including the alternative proposed by the North Dakota Game and Fish Department.

Concern ID: 22357

CONCERN STATEMENT: One commenter suggested that a discussion of the pretreatment sex ratios, as well as the proposed ratios associated with the planned reduction goals, should be included in the Final Plan/EIS.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95107 **Organization Type:** Conservation/Preservation

Representative Quote: A discussion of the pretreatment ratios and the logic and proposals for ratios in the planned reduction goals (100-400) should be included in the FEIS.

Response: Sex ratios are difficult to estimate because female elk tend to occur in larger groups than males and are therefore more easily observable. Consequently, the Science Team used a population reconstruction (Sargeant and Oehler 2007) to estimate the pre-treatment sex ratio of ~45 antlered males per female >1 year-of-age. Any large-scale population reduction achieved by removing a disproportionate number of females will temporarily increase the sex ratio (See Science Team Recommendations, Attachment 1) to a degree that will depend on the proportion of elk removed and the response of remaining males (increased emigration may occur); however, sex ratios are likely to decline subsequently because mortality and emigration rates of males typically are greater than those of females. Ultimately, sex ratios are likely to be similar to those for un hunted or lightly hunted populations (Sargeant and Oehler 2007).

Concern ID: 22358

**CONCERN
STATEMENT:**

One commenter questioned the decision to comply with the "Humane Management Actions" as dictated by the American Society of Mammalogists' guidelines, stating that there is no indication as to why the park chose these set of guidelines in the Plan/EIS.

Representative Quote(s): Corr. ID: 360

Organization: Safari Club International

Comment ID: 95077

Organization Type: Conservation/Preservation

Representative Quote: SCI and SCIF also question the Plan's reference to "Humane Management Actions" dictated by the American Society of Mammalogists' guidelines. The Plan offers no indication as to why the NPS has adopted these specific principles. To SCI and SCIF's knowledge, the NPS policies do not refer to these guidelines. SCI and SCIF would caution the drafters of this plan against arbitrary reliance upon guidelines that have not been vetted for NPS use by the public. At the very least, SCI and SCIF recommend that the NPS specify, in detail, the elements of the guidelines upon which the drafters intend to rely.

Response:

The guidelines regarding the humane handling of animals established by the American Society of Mammalogists is an accepted standard adopted by Universities, federal agencies and state and private contractors. The NPS has determined that compliance with these guidelines will help to ensure all animals are treated humanely during any management actions.

AL10000 - Alternatives: Alternaitve A - No Action

Concern ID: 22360

**CONCERN
STATEMENT:**

Commenters questioned the adequacy of the National Park Service in upholding obligations to appropriately manage elk living within the park's boundaries, and to maintain the deteriorating boundary fences.

Representative Quote(s): Corr. ID: 384

Organization: Vogel Law Firm

Comment ID: 95607

Organization Type: Business

Representative Quote: The NPS has ignored its mandates to appropriately manage elk, which has a negative impact on local farmers and ranchers. Local landowners report to Billings County that NPS's form of management can be surmised as ignoring downed fences in hopes that more elk will leave the TRNP as a manner of preserving the grass and natural resources within the TRNP. The management option pursued to date can most aptly be described as an utter lack of management. This lack of management comes at a great social and economic cost for nearby landowners. Yet, to date, NPS has not attempted to provide any assistance to these local landowners.

Corr. ID: 384

Organization: Vogel Law Firm

Comment ID: 95601

Organization Type: Business

Representative Quote: Billings County does not believe the NPS or the ND Game and Fish are living up to the commitments they made when originally reintroducing elk into the TRNP. The NPS made the following commitment regarding elk management: To "periodically reduce the herd when the numbers of elk exceed the limits of established THRO objectives." Also, to "Attempt, through herd reduction

and fence maintenance, to limit the egress of elk from TRHO." (2003 MOD at IV.) The maximum elk capacity within the TRNP was established at 360 elk, yet clearly the elk population exceeded that number long ago, without any action taken by NPS to reduce the herd population per their commitment. The NPS has been dilatory in improving and maintaining fences, despite repeated demand and notice from private landowners. In short, NPS has not been a good neighbor.

Response:

After being reintroduced into the park in 1985, elk population growth was effectively and efficiently maintained at conservative levels through periodic roundups and relocated to other sites within and outside of North Dakota. Due to concerns over CWD, this proven method of population reduction was no longer available and the EIS planning process began to find additional tools to manage this species. Regular maintenance of the 41 miles of park perimeter fence at the south unit keeps bison and feral horse from leaving the park and cattle from entering the park. Elk are able to pass through many areas of the fence and do so regularly, forming the basis for the E3/E4 elk hunting season outside the park. Fence repairs due to erosion, normal deterioration, and intentional cutting (vandalism) are performed on a routine basis and under larger projects. For example, a major three year fence rehabilitation project was completed in 2009 that corrected all significant fence deficiencies at the time. The NPS has and will continue to manage the elk population appropriately.

AL10030 - Alternatives: Alternative B - Direct Reduction with Firearms

Concern ID: 22361

CONCERN STATEMENT: One commenter stated that the NPS should not simply rely on the use of repeated in-park culling activities as a means to achieve ecological carrying capacity, suggesting that the park is responsible for providing additional habitat for the elk on land adjacent to the park.

Representative Quote(s): **Corr. ID:** 324 **Organization:** National Parks Conservation Association

Comment ID: 95098 **Organization Type:** Conservation/Preservation

Representative Quote: In order to protect other park resources, NPCA supports the use of in-park culling as a means to bring elk numbers back to within the carrying capacity of up to 400 elk in the south unit, as described by the science team in Appendix A. As described in Alternative B, NPS should be the sole authority managing the cull, and it must be carried out by qualified federal employees and authorized agents, as described in Alternative B. We note that this culling activity must be coupled with the above-described commitment to developing a long-term plan to provide additional habitat for elk on park-adjacent public and private lands that will eliminate the annual need for a cull within park boundaries. Failure to commit to such a plan and to exclusively rely on killing elk as a means to achieve ecological carrying capacity equates to a failure to exhibit leadership, protect all park resources and to fully comply with all applicable NPS laws and regulations.

Response:

The park does not have jurisdiction to manage elk outside of its boundaries, and it is highly unlikely that the park will acquire additional lands outside of the current

boundaries. Such considerations were discussed during internal scoping, but acquisition of additional lands was not carried forward for analyses due to the speculative nature of such an approach. The park has a duty to protect its resources from adverse impacts. Elk reduction inside the park is consistent with this duty, and is authorized by the National Park Service Organic Act.

Concern ID: 22362

CONCERN STATEMENT: Commenters stated that using "authorized agents" or "skilled volunteers" in alternative B would qualify as a recreational opportunity for those agents, which would be in violation of the laws that guide NPS management and the use of volunteers. They further state that the use of volunteers to lethally remove the elk is imprudent based on the fact that this same issue is being contested at Rocky Mountain National Park.

Representative Quote(s): **Corr. ID:** 376 **Organization:** The Humane Society of the United States

Comment ID: 94779 **Organization Type:** Conservation/Preservation

Representative Quote: Alternative B is in clear violation of the Organic Act and the NPS's implementing regulations. Simply put, this Alternative offers local hunters the recreational opportunity to kill elk in the Park under the guise of being "authorized agents" of the Park Service. The Organic Act specifically contemplates a distinction between those who must destroy natural resources as a duty of their job to protect park resources on the whole, and those who desire to destroy park resources for personal enjoyment or satisfaction. Indeed, the NPS itself acknowledges in the Draft EIS that "[w]hile the Organic Act gives the Secretary of the Interior the authority to destroy plants or animals for the purposes of preventing detriment to park resources, it does not give the secretary authority to permit the destruction of animals for recreational purposes." Draft EIS at 95. If the NPS implements Alternative B, the agency will be allowing exactly this.

Corr. ID: 376 **Organization:** The Humane Society of the United States

Comment ID: 94797 **Organization Type:** Conservation/Preservation

Representative Quote: The Draft EIS provides no reasonable justification supporting the use of volunteer, private hunters in the lethal reduction of the elk herd. Indeed, apart from providing local hunters a recreational opportunity in the Park, there is no reasonable explanation for this action. As discussed more fully above, this is in direct contravention of the Organic Act and the NPS's own regulations. This point is affirmed by the Leopold Report, an analysis compiled by a committee appointed by the Secretary of the Interior in the 1960s to address the overpopulation of elk in Yellowstone National Park:

We cannot endorse the view that the responsibility for removing excess game animals be shared with state fish and game departments whose primary interest would be to capitalize on the recreational value of the public hunting that could thus be supplied. Such a proposal imputes a multiple use concept of park management which was never intended, which is not legally permitted, nor for which we can find any compelling justification today.

Leopold, et al., *Wildlife Management in the National Parks* (1963), available at http://www.nps.gov/history/history/online_books/leopold/leopold5.htm (last accessed Mar.

19,2009).

Corr. ID: 376 **Organization:** The Humane Society of the United States

Comment ID: **Organization Type:** Conservation/Preservation
94781

Representative Quote: Notably, the Draft EIS indicates that implementation of Alternative B "would increase the potential for employee injury and accidents." Draft EIS at 230. Risks to "qualified federal employees and authorized agents" include potential exposure to Chronic Wasting Disease ("CWD") and risks associated with the handling, processing, and transport of elk. Draft EIS at 57. It is clear that the implementation of Alternative B is a "hazardous [and] dangerous occupation where the risks of injury are 'foreseeable,'" 16 U.S.C. § 18g; S. Rep. No. 1013 at 2, and involves "carrying modern firearms," Department of Interior National Park Service Reference Manual No.7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_05.pdf (last accessed March 17, 2009). This use of volunteers contravenes the VIP Act, its legislative history, and NPS's rules regarding the use of volunteers.

Corr. ID: 376 **Organization:** The Humane Society of the United States

Comment ID: **Organization Type:** Conservation/Preservation
94780

Representative Quote: The VIP Act also states that "[i]n accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in a hazardous duty," except when such individuals are skilled in particular hazardous activities. 16 U.S.C. § 18g. The Senate Report explains that: "[i]t should be clearly understood that no volunteers are to serve in any hazardous or dangerous occupation where the risks of injury are foreseeable. This legislation is not intended to provide any authority to utilize volunteers to operate potentially dangerous machinery, nor should it be interpreted as authority to utilize volunteers to do the jobs normally assigned to regular career employees." S. Rep. No. 1013 at 2.

In keeping with the intent of the VIP Act, the NPS has promulgated rules setting out a detailed framework governing how parks are to implement the Act and specifically stating that volunteers are not to perform duties involving firearms. See Department of Interior National Park Service Reference Manual No.7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_05.pdf (last accessed March 17, 2009) (stressing that volunteers "must not be assigned duties that would place them in a life-threatening situation, even as an observer. Some examples of duties [volunteers] should not perform include ... carrying modern firearms"). Indeed, it is clear that the use of volunteers, in this manner has not previously been contemplated at TRNP, as the Park must now "develop specific guidelines for firearms' use." Draft EIS at 57.

Corr. ID: 376 **Organization:** The Humane Society of the United States

Comment ID: **Organization Type:** Conservation/Preservation
94796

Representative Quote: Finally, the use of volunteer, private hunters to lethally reduce the elk herd at TRNP is imprudent in light of the fact that the legality and propriety of this same action at RMNP is currently being challenged in Federal Court. See *WildEarth Guardians v. NPS*, No. 1:08-cv-00608 (D. Colo.).

Response:

The use of skilled volunteers to assist the park with elk reduction has been reviewed by the National Park Service and Department of the Interior and it has been determined that such use of volunteers does not violate the laws that guide NPS management or the use of volunteers. Under the preferred alternative, skilled volunteers would be treated essentially the same as NPS employees. The volunteers would be used to assist the park with culling the elk herd in order to protect park resources. Volunteers would be closely supervised and directed to shoot specific animals, with salvageable meat being donated to approved sources. The NPS distinguishes differences between hunting, a recreational experience, and culling, a necessary management action. A discussion of the Secretary of the Interior's authority to take wildlife in order to protect park resources is included in the final EIS in Chapter 1 beginning on page 36.

Concern ID: 22364

CONCERN STATEMENT: Commenters questioned the statutes, regulations, and policies that prohibit the use of volunteers in culling overabundant wildlife within a park unit.

Representative Quote(s): **Corr. ID:** 341 **Organization:** Not Specified

Comment ID: 94981 **Organization Type:** Unaffiliated Individual

Representative Quote: Based upon research conducted by the Congressional Research Service, there is no Federal Law that prohibits skilled volunteers from "hunting" in park units. As we know, it is NPS policy, not Federal law, which prevents such regulated activity. Senator Dorgan has communicated that differentiation to me personally.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: 95062 **Organization Type:** Conservation/Preservation

Representative Quote: Nothing in the statutes, regulations and policies that establish the authority of the National Park Service prevent the NPS from utilizing members of the hunting community to assist an individual park and/or the state wildlife management authority in managing, culling or reducing an overabundant wildlife population on park land, much as the NPS has used professional sharpshooters.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: 95063 **Organization Type:** Conservation/Preservation

Representative Quote: The regulations that the Secretary of the Interior has promulgated for the purpose of administering the National Park System do not prohibit the Secretary or a Park Superintendent from managing a park's overabundant wildlife using individuals from the hunting community as a wildlife management resource. Although there are regulations, such as 36 C.F.R.. § 2.2, that restrict hunting activities on NPS lands, those rules do not apply here. The NPS has pertinent regulations that permit the NPS and its agents to conduct activities necessary to counteract threats to park resources. For example, 36 C.F.R. § 1.2 specifically states that

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this

section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resources management plans, or in emergency operations involving threats to life, property or park resources.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: **Organization Type:** Conservation/Preservation
95064

Representative Quote: Similarly, NPS Management Policies do not prevent the NPS from utilizing qualified volunteers - most often members of the hunting community -- as agents of the NPS or state wildlife management authority for a culling (e.g., non-hunting) operation. For example, policy provision 4.4.2.1, entitled "NPS Actions That Remove Native Plants and Animals" acknowledges the Service's use of "others to remove plants or animals" but does not restrict the term "others" to include only paid sharpshooters. The same policy provisions recognizes the use of "destruction of animals by authorized agents," but does not restrict the term "authorized agents" exclusively to individuals who are paid for their sharpshooting skills.

Response:

National Park Service regulations prohibit hunting in parks unless specifically authorized by statute. At Theodore Roosevelt National Park, no such authorization exists. However, the use of skilled volunteers to assist the park with elk reduction has been reviewed by the National Park Service and Department of the Interior and it has been determined that such use of volunteers does not violate the laws that guide NPS management or the use of volunteers. Under the preferred alternative, skilled volunteers would be used to assist the park with culling the elk herd in order to protect park resources. Volunteers would be closely supervised and directed to shoot specific animals, with salvageable meat being donated to approved sources. The NPS distinguishes differences between hunting, a recreational experience, and culling, a necessary management action. A discussion of the Secretary of the Interior's authority to take wildlife in order to protect park resources is included in the final EIS in Chapter 1 beginning on page 36.

Concern ID: 22366

CONCERN STATEMENT: [One commenter stated that alternative B is indistinguishable from the NDGF alternative, which was dismissed from further analysis, and that further explanation on how they are different is needed.](#)

Representative Quote(s): **Corr. ID:** 376 **Organization:** The Humane Society of the United States

Comment ID: **Organization Type:** Conservation/Preservation
94778

Representative Quote: Furthermore, Alternative B is practically indistinguishable from an alternative eliminated from further consideration by the NPS: "Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative)." Draft EIS at 95. Under this alternative, eliminated because it "meets the definition of a managed public hunt," id., elk would be removed by "Certified Volunteer Sharpshooters," who would be "a North Dakota resident that has had an approved hunter education course ... and would participate in a specialized training course designed by the park and NDGF. Once approved, the CVS would be given a permit to remove an elk from the park." Id. at 95-96. Presumably, the only

distinction between this rejected alternative and Alternative B is that the hunters would work in teams and be supervised by NPS personnel under Alternative B. Id. at 57.

Response:

As described in the EIS at page 116, the NDGF alternative, as proposed, was determined to essentially be a managed hunt within the park. Volunteers would have been unsupervised and would have been allowed to shoot and keep one elk. Under Alternative B, skilled volunteers would be used to assist the park with culling, but such actions would not be considered hunting due to the fact that volunteers would be assisting the park with a management action. Volunteers would be closely supervised and directed by NPS employees, and directed to shoot specific animals, with salvageable meat being donated to approved sources.

Concern ID:

22367

CONCERN STATEMENT: Commenters made suggestions on how to improve alternative B, such as not limiting lethal removal to only daylight hours, shortening the duration of the initial reduction to less than five years, including archery as a lethal management tool, only using professional sharpshooters and not skilled civilian volunteers, and conducting culling activities outside of the core elk refuge within the park.

Representative Quote(s):

Corr. ID: 297 **Organization:** Not Specified

Comment ID: **Organization Type:** Unaffiliated Individual
95484

Representative Quote: Increase efficiency of ALT B. so it doesn't take as much time to achieve.
Coordinate ALT B at the same time as hunting outside the park to maximize efficiency and lower the population more quickly. This would also help lower the cost.

Corr. ID: 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: **Organization Type:** Conservation/Preservation
95118

Representative Quote: Alternative B, Direct Reduction by Firearms. Remove the restriction that the management actions can only be conducted during daylight hours. Based on the experience of the sharpshooters, equipment available, and the difficulties associated with collecting the animals, all practical techniques should be on the table.

Corr. ID: 372 **Organization:** Badlands Conservation Alliance

Comment ID: **Organization Type:** Conservation/Preservation
94805

Representative Quote: Speaking directly to objective #1, BCA finds alternatives B and E inappropriate. We have concerns with both these alternatives in that the 5-year duration period for initial reduction will cause wide-ranging disturbance to all wildlife, to visitors, and to adjacent landowners. Furthermore, we suggest that there may be permanent impacts on all wildlife, and therein visitors and adjacent landowners, that have not been fully considered in the DEIS, forever changing the ambience and unique human and wildlife sanctuary that is currently TRNP.

Corr. ID: 372 **Organization:** Badlands Conservation Alliance

Comment ID: 94817 **Organization Type:** Conservation/Preservation

Representative Quote: It would be our recommendation that only professional sharpshooters or qualified federal employees be used for this maintenance reduction. The expense of using skilled citizen volunteers is not merited for this minor ongoing action.

Corr. ID: 372 **Organization:** Badlands Conservation Alliance

Comment ID: 94810 **Organization Type:** Conservation/Preservation

Representative Quote: If Alternative B remains on the table, include bow hunting as an addition that would limit disturbance to both wildlife and visitors.

Corr. ID: 373 **Organization:** World Wildlife Fund - Northern Great Plains Program

Comment ID: 95126 **Organization Type:** Conservation/Preservation

Representative Quote: We further ask that if the TRNP selects Alternative B, that hunting be zoned away from core elk refuge within the Park (closed areas) and well away from places where visitor conflicts might arise.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95613 **Organization Type:** Business

Representative Quote: Alternative B, harvesting elk with firearms, would be acceptable only if the elk numbers were reduced more quickly than contemplated in the EIS. The County sees no reason to prolong the elk harvest over the course of five years. By extending the harvest to a multi-year project, it requires more planning, more personnel, more training, and more costs associated with mobilization of the effort. Extending the harvest over the course of years will also require more animals be ultimately eliminated, given the reproduction of elk cows during the years awaiting harvest.

Response:

Because of the secretive nature and wariness of elk at the park, and safety issues associated with rough badlands terrain, implementing reduction efforts after dark was not considered to be feasible. Archery was determined to be a much less efficient method for killing large numbers of elk than firearms, and thus for reducing the population. The park has not identified a core elk refuge inside the park, and therefore cannot conduct management activities outside of a core refuge. Based upon the recommendations of the science team, the period of 5 years for initial reduction has been determined to be fully acceptable to achieve the park's goals; however, the preferred alternative does contemplate completing initial reduction within the first three years, depending on the efficacy of direct reduction with firearms. The park did consider the use of professional sharpshooters alone, without volunteers, but has decided under the preferred alternative to make use of skilled public volunteers and not to pay professional sharpshooters.

Concern ID: 22369

CONCERN STATEMENT: One commenter stated that skilled volunteers, in combination with federal employees, should be utilized in alternative B, stating that there is no need for the

expenditure of taxpayers' dollars to hire contract shooters when local hunters may be willing and able.

Representative Quote(s): **Corr. ID:** 279 **Organization:** National Rifle Association

Comment ID: **Organization Type:** Non-Governmental
95235

Representative Quote: First, Alternative B states that the reduction would be carried out by qualified federal employees and authorized agents that would include, but not be limited to, other agency and tribal personnel, contractors, or skilled volunteers. The NRA strongly encourages the Park to use federal employees in combination with hunters. We do not see any need for the expenditure of taxpayers' dollars to hire contract shooters when there is likely to be a pool of skilled volunteers in the hunting community of North Dakota.

Response: The preferred alternative would make use of skilled volunteers and federal employees to cull the elk herd. Due to National Park Service regulations, hunting is not allowed in Theodore Roosevelt National Park.

Concern ID: 22372

CONCERN STATEMENT: Commenters questioned how volunteer authorized agents would be compensated for their work.

Representative Quote(s): **Corr. ID:** 91 **Organization:** NRA

Comment ID: **Organization Type:** Unaffiliated Individual
95196

Representative Quote: I have to ask, is the work strictly volunteer, or is it a paid status type of employment, by which the hunter is employed by the national park service with the hunter task with elimination of a certain number of elk on an as call basis?

Corr. ID: 371 **Organization:** North Dakota Game and Fish Department

Comment ID: **Organization Type:** State Government
94887

Representative Quote: There is no explanation of how or if volunteers would be compensated for their expenses. We suspect it may be similar to the Rocky Mountain National Park concept which we believe is designed to dissuade interest in being a volunteer.

Response: Under the preferred alternative, volunteers would not be compensated for assisting the park with culling the elk herd.

Concern ID: 22373

CONCERN STATEMENT: One commenter stated that the pool of potential volunteer authorized agents would be small if much of the removal activities are to be done during regular work days.

Representative Quote(s): **Corr. ID:** 371 **Organization:** North Dakota Game and Fish Department

Comment ID: 94888 **Organization Type:** State Government

Representative Quote: There is no mention of which days of the week the work would be done. If much of the work is done during regular work days, then the potential pool of volunteers would be limited.

Response:

The NPS agrees with the assertion that there may be fewer volunteers available during the week. However, the park is managed for visitor enjoyment and is open all year. Many visitors specifically visit the park during the winter to ensure an experience free from hunting and shooting. In the period from November – January, the majority of park visitors come to the park Friday – Sunday. Therefore, an implementation schedule developed for this alternative defined Tuesday-Thursday as the best operational period. Implementing this alternative only on weekends would increase costs, impact the majority of visitors during that time of year, and drastically reduce the number of days the alternative could be implemented during a year, thus reducing the efficacy of the alternative.

Concern ID: 22374

CONCERN STATEMENT: One commenter suggested that the NPS work closely with the NDGF to help identify a pool of potential volunteer authorized agents.

Representative Quote(s): **Corr. ID:** 279 **Organization:** National Rifle Association

Comment ID: 95237 **Organization Type:** Non-Governmental

Representative Quote: Second, Alternative B uses the term "elk management teams" but does not identify who will participate on these teams, only that qualified skilled volunteers would become part of a pool of available personnel that may supplement elk management teams. It also does not explain what kind of a system the Park will develop to identify skilled volunteers. We highly recommend that the Park work closely with the North Dakota Game and Fish Department (NDGF) in identifying volunteers within the hunting community.

Response:

Under the preferred alternative, the park intends to work with the NDGF in order to recruit qualified volunteers and develop a reduction program that ultimately benefits both agencies.

AL12000 - Alternatives: Alternative B - Cost and Funding

Concern ID: 22376

CONCERN STATEMENT: Commenters questioned the cost estimate for alternative B, stating that it appears to be far too low, asking whether North Dakota's state personnel budget will contribute to implementing alternative B, and also questioning the amount of man-hours that would be required for various staff members.

Representative Quote(s): **Corr. ID:** 360 **Organization:** Safari Club International

Comment ID: 95067 **Organization Type:** Conservation/Preservation

Representative Quote: For "Alternative B: Direct Reduction with Firearms" the Plan's drafters project exorbitant per elk removal costs of \$500 for the first five years and \$550 for the remaining ten years of the plan's duration. It appears that this estimate assumes that lethal removal will be conducted by NPS personnel and/or independent contractor sharpshooters. SCI and SCIF see no reasonable documentation in the plan to justify these per elk estimates. It also appears that the NPS assumes that the utilization of qualified volunteers will add to this cost, rather than reduce it.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: 95074 **Organization Type:** Conservation/Preservation

Representative Quote: In addition, the analysis does not make clear whether and to what extent North Dakota's state personnel and budget will contribute to this effort. The way Appendix D is drafted makes it appear that NPS personnel will be handling this effort independently. That scenario ignores, for example, the role that the Colorado Division of Wildlife played in the RMNP elk culling effort - in training, supervision etc. Without considering the costs and responsibilities assumed or absorbed by state participation, TRNP's plan is not based upon a realistic analysis of the strategy.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: 95075 **Organization Type:** Conservation/Preservation

Representative Quote: Perhaps the most egregious flaw in the cost assessment is that the analysis fails to take into account the fact that volunteers will replace paid sharpshooters and NPS personnel, both in the actual take of the elk and in retrieval and removal of elk carcasses. If volunteers participate, the NPS will not have to pay independent contractors and will require far less NPS personnel time for the culling activities. The failure to acknowledge this savings undermines the credibility of the entire cost analysis.

Corr. ID: 360 **Organization:** Safari Club International

Comment ID: 95073 **Organization Type:** Conservation/Preservation

Representative Quote: The fact that the NPS devotes such scrutiny to the costs associated with the participation of qualified volunteers does, however, reveal some of the questionable assumptions upon which the drafters' estimates are based. For example, SCI and SCIF question whether it is realistic to assume that TRNP's Public Relations Officer will be required to devote half his or her time for approximately 1/3 of the year each year, and all of his or her time for two weeks of the year to the participation of skilled volunteers. SCI and SCIF also question the need for Direct Reduction Team Leaders to devote 40 hours per week for 12 weeks each year to this strategy or for Law Enforcement Officers to be needed for 40 hours per week for the 12 weeks that the cull is being conducted. SCI and SCIF are aware that Rocky Mountain National Park has recently conducted its first elk cull using groups consisting of volunteers, NPS personnel and representatives from Colorado's Wildlife Division. These teams participated in culling operations for a limited number of hours each day before the majority of visitors arrived at RMNP. At RMNP, the culling teams including NPS personnel, hardly devoted full days, let alone full weeks, to these culling activities. At most, the culling activities consumed a few hours of each NPS's employee's work week. SCI and SCIF conclude that the personnel costs projected by the drafters of TRNP's plan are tremendously overblown by comparison to the way a cull is actually conducted on a National

Park.

Corr. ID: 371

Organization: North Dakota Game and Fish Department

Comment ID: 94886

Organization Type: State Government

Representative Quote: This alternative will be expensive - NPS estimates \$1-2 million over a five-year period (\$200,000 - \$400,000 per year). The Department believes this cost estimate is far too low. Costs would be incurred in paying the federal employees and/or the contractors, paying someone to field dress the animals, paying to remove the animals from the park by methods other than motorized vehicles, paying to store the carcasses until disease testing is done, paying for the disease testing, paying to transport the carcasses to a processing facility, paying to have them butchered, and then paying to have the meat transported to food distribution locations.

Response:

Under Alternative B, North Dakota's state personnel budget is not considered in the costs. The costs of Alternative B have been revised in the final EIS, and can be contrasted against the assumptions and costs of the preferred alternative (found in both Chapter 2 and Appendix D), which contemplates the use of skilled volunteers but does not contemplate the use of paid contractors to shoot elk.

AL13000 - Alternatives: Alternative C - Roundup and Euthanasia

Concern ID: 22378

CONCERN STATEMENT:

Commenters provided ways in which to improve alternative C, including donating the meat from tested elk to charities, and also selling the meat to members of the public for a fee to help offset the costs of implementing this alternative.

Representative Quote(s): **Corr. ID:** 327

Organization: Dakota Zoo

Comment ID: 94825

Organization Type: Civic Groups

Representative Quote: I do not see the need to remove the elk from the premises and have them euthanized and processed at another location. I believe that the opportunity for interested members of the public to purchase elk meat at \$100 per animal (limit of one, first come, first-served) would be beneficial and also provide considerable income to offset and costs of the roundup. This would provide the opportunity for some of the many people who would like to hunt elk but haven't been selected or can't afford the cost of traveling out of state for a hunt to gain elk meat. I believe that this would also go a long way towards helping to smooth over the feelings that could be generated by the fact that so many animals are being euthanized at one time. It certainly would make it easier to harvest the meat so that it could be used.

Corr. ID: 378

Organization: *Not Specified*

Comment ID: 95082

Organization Type: Unaffiliated Individual

Representative Quote: I would suggest some change in your alternative "C" plan. The animals killed could be either given to charity or to individuals selected by a lottery with a fee to help defer your costs. N.D. Game and Fish and Park officials

should keep all the heads for testing and disposal.

Response: Alternative C contemplates donation of elk meat. The park is not permitted to sell meat to members of the public, pursuant to federal regulations.

Concern ID: 22380

CONCERN STATEMENT: One commenter questioned how the elk would be cared for, fed, and watered while in the holding pens under alternative C.

Representative Quote(s): **Corr. ID:** 371 **Organization:** North Dakota Game and Fish Department

Comment ID: 94891 **Organization Type:** State Government

Representative Quote: We also question the NPS concerning the status of the elk while in the holding pens. How will they be cared for, fed and watered? In 1993, elk were held in the same holding facility for an extended period of time, there were numerous animals killed or seriously injured. It was frankly a very ugly situation and these wild animals deserve a better fate.

Response: Under alternative C, elk would be maintained in the holding pens at the park for less than a week. Elk would be cared for, fed and watered on a daily basis, in compliance with industry standards and methods that have been proven to work at the park in the past.

AL13020 - Alternatives: Alternative C - Cost and Funding

Concern ID: 22381

CONCERN STATEMENT: One commenter compared the cost analysis for implementing alternative C and alternative E, stating that the cost analysis for alternative E appears to be high.

Representative Quote(s): **Corr. ID:** 226 **Organization:** Not Specified

Comment ID: 95480 **Organization Type:** Unaffiliated Individual

Representative Quote: It is important to note that the entire budget for Alternative C (Round up and Euthanasia) is just slightly more than just the dispersion portion of the budget in Alternative E (Hunting outside the Park). This begs the question - why is it that the NPS can budget roundups, transportation, euthanasia, and processing for less than simply herding the elk to ground outside of the Park? I do not understand this apparent discrepancy.

ALTERNATIVE C: ROUND UP, EUTHANASIA, and PROCESSING
Cost for 15 Year Plan Annual Cost
TOTAL COST \$1.4 - \$1.8M \$95 -\$120K
Roundups \$105,000-\$240,000 \$7,000-\$16,000
Shipping to Commercial facility (250 Mis.) \$28,000-\$32,000 \$1,867-\$2133
Euthanasia/Processing \$406,000-\$606,400 \$27,067-\$40,426

ALTERNATIVE E: HUNTING OUTSIDE PARK

Cost for 15 Year Plan Annual Cost
TOTAL COST \$2.1 - \$2.2M \$143 - \$146K
Directed Dispersal \$1,256,400 - \$1,290,480 \$119,000-\$136,000
Fence Alterations \$48,300-\$55,200 \$3,220-\$3,680

Response: The cost estimate for Alternatives C and E have been adjusted for the final EIS, and can be found in Chapter 2 under the description for each alternative.

AL13040 - Alternatives: Alternative D (Env. Preferable Alt.) - Testing and Translocation

Concern ID: 22382

CONCERN STATEMENT: One commenter noted that after the tenth year of implementing alternative D, elk would not need to be removed until year 13 or 14.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95045 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 67. Testing and relocation alternative. The hypothetical year 10 population is 475, requiring CWD testing on 300 new animals. After testing, the population would be at 175, and would not have to be reduced by 75 more animals. Even with 25% population increase the following year, the year 11 population would be about 220 elk, and year 12 about 275. The point is that with the required CWD testing for year 10, no elk would have to be removed until at least year 13 or year 14.

Response: The commenter is correct. However, the hypothetical situation described in the EIS is provided for comparing the alternatives only. It is guided by the assumption that maintenance actions would be implemented to return the elk population to 100 individuals, which would minimize the number of subsequent management actions (i.e., it would take longer to reach the threshold for taking action of 400 elk).

Concern ID: 22383

CONCERN STATEMENT: Commenters questioned the feasibility of identifying enough stakeholders to take over 800 elk. Further, another commenter requested that the NPS clearly state in the Final Plan/EIS exactly how translocations are to be conducted, develop strict guidelines concerning the habitat the recipient of the elk must have, and create legally binding agreements that prohibit the selling, bartering or trade of elk from TRNP to private entities or commercial operations.

Representative Quote(s): **Corr. ID:** 208 **Organization:** Rocky Mountain Elk Foundation

Comment ID: 95246 **Organization Type:** Unaffiliated Individual

Representative Quote: Option D - CWD testing and relocation. Are there really enough places that want ELK to relocate 800+ animals? Remember this herd started with 65 animals a mere 23 years ago.

Corr. ID: 371 **Organization:** North Dakota Game and Fish

Department

Comment ID: 94892

Organization Type: State Government

Representative Quote: Our Department is requesting the NPS ensure that the elk are handled humanely and only given to entities that will retain them in an area with suitable habitat. Previous elk translocations from TRNP have resulted in elk being shipped to an Indian tribe in South Dakota, loaded on a different truck, and shipped back to North Dakota into a private game farm. This was met with great criticism by the public, and the NPS has the responsibility to ensure it does not happen again to a valuable, publicly owned wildlife resource. Unfortunately, the only reference we see in the plan regarding this issue thus far is a requirement for "no immediate commercial gain." We don't know what this means, but suspect it will not be sufficient in preventing profiteering and privatization of a public wildlife resource. We are concerned the NPS will use this as a way to "wash its hands" of what happens to the animals once a translocation has occurred - which is not acceptable. We strongly request the NPS clearly state in the final EIS exactly how translocations are to be conducted, develop strict guidelines concerning the habitat the recipient of the elk must have, and create legally binding agreements that prohibit the selling, bartering or trade of elk from TRNP to private entities or commercial operations.

Corr. ID: 384

Organization: Vogel Law Firm

Comment ID: 95660

Organization Type: Business

Representative Quote: While Chronic Wasting Disease (CWD) has required additional testing of animals prior to transporting animals to other areas, the requirement for testing has not precluded transporting animals. While the NPS includes transporting animals elsewhere as an EIS alternative, it is unrealistic to assume that alternative will have any appreciable change in the elk numbers at the TRNP. The NPS has had this option at its disposal for years, yet has made no advancements to transport elk. Given the concerns about CWD, fewer recipients are able to be identified to receive elk. Many other National Parks are experiencing similar overabundance of elk without any success in relocating the elk. The option to test and transport elk should not be relied upon to appreciably reduce elk numbers in the EIS.

TRNP could have tested sufficient animals and transported the elk to other locations at any point prior to this study. The obvious flaw in this suggestion is a simple lack of entities willing to receive the elk. Numerous national parks have conducted similar EIS studies in the last three years as a means of deciding how to reduce their own burgeoning elk populations. The greater National Park system must find a way to reduce thousands of elk. This study, like the Rocky Mountain National Park and Grand Teton National Park and National Elk Refuge, fails to identify any entities willing and able to receive sufficient elk to make an appreciable difference in reducing the elk populations by 668 animals. Other National Park studies are further along than this Draft EIS, and they have yet to identify willing recipients for a majority of their elk, so it is unrealistic to think that translocating the TRNP elk will be a reasonable or practicable alternative.

Response:

The EIS contains a description of how translocation would be carried out under Alternative D, in Chapter 2. Should translocation be utilized, the park will work to identify willing recipients, and will develop guidelines and agreements with potential recipients to address the concerns identified by the commenters. Based on informal inquiries, the park is confident that enough willing recipients exist to take

the required number of elk. As stated in the EIS, if enough willing recipients cannot be found, the park would utilize other methods, such as direct reduction or euthanasia to control the population.

ALI4010 - Alternatives: Alternative D - Cost and Funding

Concern ID: 22384

CONCERN STATEMENT: One commenter stated that the cost analysis for alternative D does not include transportation cost, which ultimately skews the analysis.

Representative Quote(s): **Corr. ID:** 297 **Organization:** *Not Specified*

Comment ID: 95487 **Organization Type:** Unaffiliated Individual

Representative Quote: Alt. D - does not include transport costs; skews costs

Response: As explained in the EIS, transportation costs cannot be estimated because they would vary by recipient. The proximity of the recipient to the park would be the biggest factor in determining shipping costs, and could vary greatly. As is further explained, the costs of transportation would be the responsibility of the recipient, so they would not be incurred by the NPS.

ALI5000 - Alternatives: Alternative E - Increased Hunting Opportunities Outside the Park

Concern ID: 22385

CONCERN STATEMENT: Commenters stated that implementation of alternative E does not guarantee increased access to private hunting land, that adjacent landowners may not be agreeable to more elk on their land, that an insufficient number of elk - especially cow elk - would be harvested, that using helicopters to haze elk out of the park may be a violation of the federal Airborne Hunting Act, and that adverse impacts to wildlife, visitors, and adjacent landowners would result from this alternative.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95046 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 69. Hunting outside TRNP. There is no evidence presented that adjacent landowners would be agreeable to more elk or more public hunting on their private lands. This alternative could have the very negative side of developing fee-hunting access areas outside TRNP. Even now, many landowners only allow the public to hunt after they have filled their own elk tag or a family member or fiend has filled their tag. The average public has much less access to private land than this alternative assumes.

Corr. ID: 371 **Organization:** North Dakota Game and Fish Department

Comment ID: 94897 **Organization Type:** State Government

Representative Quote: The NPS is assuming a harvest of 275 elk in each of the first four years and 258 in the fifth year, which would allow it to reach the goal of 200 in five years. This estimate factors in an initial population of approximately 1,300 and an annual 25% growth rate. We believe this level of harvest cannot be achieved outside of TRNP using hunters in January and February.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95652 **Organization Type:** Business

Representative Quote: Alternative E is also objectionable due to concerns over spreading disease. The comingling of the elk, mule deer and cattle herds also increases the exposure of cattle herds to brucellosis, chronic wasting disease and other chronic illnesses. In fact, local ranchers need to test their herds for brucellosis. The animal density occasioned by NPS's lack of management puts cattle herds and other wildlife at risk. The NPS should include brucellosis testing if they continue to maintain animal densities in excess of recommended limits.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95635 **Organization Type:** Business

Representative Quote: The NDGF increased the amount of elk permits over the past few years, but the fact that more permits are available has not made appreciable strides toward managing the elk population. The NDGF website reports that up to 560 elk hunting permits were available in 2008, yet the reduction of the elk population has not made appreciable strides to control the population.

<http://gf.nd.gov/regulations/bighornJindex.html>. Despite the number of elk hunting permits issued in 2008, only a fraction of those led to actual elk killed. Increased hunting will do nothing to manage the additional 1358 elk scared out of the TRNP given the reproduction and survival rate.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95638 **Organization Type:** Business

Representative Quote: Chasing more elk on private lands does not necessarily comport with more permits issued, more hunters appearing to shoot elk, or any significant reduction in the herd. There is no trend indicating that increased hunting opportunities will have any appreciable impact on the elk population. Landowners currently host the elk and also must routinely open up their lands to hunters. The only thing Alternative E will do for sure is to transfer the NPS problem onto the backs of the private landowners outside the TRNP. That form of 'management' is no management at all.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95640 **Organization Type:** Business

Representative Quote: Further, hunters will typically seek out bull elk, where it is the cow elk that need to be culled in this situation to preclude further overpopulation. In fact, of the 106 elk killed by hunters in 1997-1999, only 16 appear to be females based upon information in the EIS. Bull elk are more inclined to roam outside the TRNP, while the cow elk are more inclined to stay within the TRNP. Alternative E's increased hunting outside the TRNP will disproportionately remove bull elk, which does almost nothing to control the elk population.

Response:

The park agrees that elements of Alternative E are problematic, and that close cooperation and coordination would be needed with area landowners and land

managers in order to implement this alternative. These factors were considered when identifying the preferred alternative.

Concern ID: 22389

CONCERN STATEMENT:

Commenters stated that the NPS does not have the authority to implement alternative E.

Representative Quote(s):

Corr. ID: 287 **Organization:** *Not Specified*

Comment ID: 95820 **Organization Type:** Unaffiliated Individual

Representative Quote: NPS has no authority to implement Alternative E. It could be nothing more than a suggestion from NPS to the NDGF and land owner.

Corr. ID: 371 **Organization:** North Dakota Game and Fish Department

Comment ID: 94893 **Organization Type:** State Government

Representative Quote: A successful public hunting program that has the support of most adjacent landowners is already in place. The NPS does not have authority outside of the park to adjust or change these hunting seasons as an alternative for addressing elk management problems inside the park.

Response:

The park agrees that elements of Alternative E are problematic, and that close cooperation and coordination would be needed with area landowners and land managers in order to implement this alternative. These factors were considered when identifying the preferred alternative.

Concern ID: 22390

CONCERN STATEMENT:

Commenters questioned the use of the helicopter under this alternative, suggesting that other methods could accomplish the task at a much lower cost.

Representative Quote(s):

Corr. ID: 217 **Organization:** *Not Specified*

Comment ID: 95863 **Organization Type:** Unaffiliated Individual

Representative Quote: I ask you to figure out a way to get the elk to leave the park during time when North Dakota residents can harvest the elk. I do not agree that you have to go to the expense of using helicopters to drive the elk out of the park for this purpose. I suspect that is a red herring because you don't really want to pursue the option. I suggest using horsemen to accomplish that task. I know if I suggest using ATV's you would say that would have too much of an impact. You have done elk roundups in the past. You can herd them out of the park the same way.

Corr. ID: 226 **Organization:** *Not Specified*

Comment ID: 95878 **Organization Type:** Unaffiliated Individual

Representative Quote: I would think that these elk could be dispersed to public lands - any number of ways - for much less expense than projected cost in the budget (detailed below). What other means were examined? Whether hazing by helicopter, horse, ATV, utilizing creative fencing practices (internal wing fences and gates to facilitate effective hazing out of the Park, re-engineering existing fencing to allow for

cost effective removal and replacement during hazing events), implementing short-term winter feeding in areas to concentrate animals near desired fence openings to facilitate hazing, or corral trapping and moving by truck short distances, or some combination thereof, surely there's a more economically viable way to accomplish the dispersals.

Corr. ID: 372 **Organization:** Badlands Conservation Alliance

Comment ID: 94811 **Organization Type:** Conservation/Preservation

Representative Quote: Seriously pursue using horseback riders or other low-stress animal handling rather than helicopters to move elk in Alternatives C, D, and E. This would reduce disturbance, significantly decrease cost, and may function as a good will effort between the Park, riders, and adjacent landowners. It may also increase public tolerance for the required reductions.

Response:

Utilizing helicopters for the herding of wildlife is considered to be an industry standard and has proven to be the most cost-effective method for gathering large numbers of wild animals in extremely rough terrain at the park. The park has conducted elk roundups in the past, and helicopters have been successful and effective. Furthermore, the fact that the park has a large wilderness area precludes the use of on-the-ground motorized equipment to disperse elk.

AL16010 - Alternatives: Alternative E - Cost and Funding

Concern ID: 22396

CONCERN STATEMENT: [One commenter suggested that implementation of alternative E could generate revenue for both the NPS and the NDGF from the issuing of elk tags.](#)

Representative Quote(s): **Corr. ID:** 333 **Organization:** *Not Specified*

Comment ID: 94903 **Organization Type:** Unaffiliated Individual

Representative Quote: I would like the fourth alternative which encourages hunting opportunities outside park boundaries. I realize that this would require cooperation from the North Dakota Game and Fish Department and local landowners. Part of this plan could provide for horsemen insides the park to herd elk out of the park. Once a sufficient number of elk are herded out of the park, the holes in the fence could be temporarily closed while hunting goes on outside of the park. This process could be repeated a few times each fall and/or winter to reduce the number of elk in the park to their desired management number.

This choice would provide needed revenues for Theodore Roosevelt National Park as well as the North Dakota Game and Fish Department through the use of license fees. For example an antlerless elk tag could be sold for \$100. and an any elk license could sell for \$400. Currently, all out of state elk tags sell for much more that \$400. per tag. I would imagine that many more people would purchase the less expensive cow tag. In addition, it would make sense that in managing the elk population to have many more antlerless tags than any elk tags. The any elk tag would allow a cow to be harvested in the event a bull was not available for the hunter for some reason. I hope that revenues generated would be used in elk management both in and outside of Theodore National Park.

Response: The commenter is correct that implementation of Alternative E may initially provide additional revenue for the NDGF. However, the National Park Service does not issue hunting tags, and therefore would not profit from the additional elk tags.

Concern ID: 22398

CONCERN STATEMENT: One commenter stated that the budget scenario of alternative E fails to address the recurring revenue benefits to the state and local economy, and that the return on investment should not be excluded in the cost estimate.

Representative Quote(s): **Corr. ID:** 226 **Organization:** *Not Specified*

Comment ID: 95478 **Organization Type:** Unaffiliated Individual

Representative Quote: And, finally, the economic argument is faulty in three ways - there are issues with the projected budget, the scenario fails to address the recurring revenue benefits to the state and local economy, and you cannot remove the concepts of ROI and value from economic welfare (i.e., it's not just about cheapest means to deal with the elk problem).

Response: The costs presented in chapter 2 are limited to those required to implement an alternative. For Alternative E, these costs have been adjusted in response to this comment. The effects of implementing an alternative on local and state economies are addressed separately in Chapter 4: Environmental Consequences. The analysis acknowledges there will be benefits to local economies as a result of increased hunting opportunities, but also recognizes these benefits are likely to decrease over time as the number of elk is substantially reduced from present day numbers.

AL16030 - Alternatives: Alternative F - Maintenance Only Fertility Control

Concern ID: 22400

CONCERN STATEMENT: One commenter asked how alternative F can be considered while the technology needed to implement the alternative does not exist yet.

Representative Quote(s): **Corr. ID:** 196 **Organization:** *Not Specified*

Comment ID: 95512 **Organization Type:** Unaffiliated Individual

Representative Quote: Alt F: How can it even be considered when the technology doesn't even exist?

Response: The life of the plan is expected to be 15 years. The NPS included this alternative so that if a non-lethal way to manage the elk herd becomes available during the life of the plan, the park will have the opportunity to evaluate and possibly make use of such a tool. This alternative was considered for the maintenance phase only, and would not be considered for initial reduction of the elk herd.

AL19030 - Alternatives: Adaptive Management

Concern ID: 22402

CONCERN STATEMENT: One commenter suggested that the NPS utilize adaptive management in a manner that allows the park to choose any aspect of any of the proposed alternatives to strengthen the selected management action.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95109 **Organization Type:** Conservation/Preservation

Representative Quote: The section on Adaptive Management offers flexibility to adapt to changing conditions and new information. Regardless of the Preferred Alternative selected we recommend that the Park Service keep open, through adaptive management all possible options, including the options to use any or parts of the other identified Alternatives in combination to augment or strengthen the selected management action for the elk herd. Adherence to this principle will lead to the most effective management of elk in the TRNP. A discussion of the potential to combine Alternatives should be included in the Final EIS.

Response: The NPS preferred alternative is a combination of DEIS alternatives B, C, and D, and provides the NPS flexibility needed to adequately and adaptively manage elk in Theodore Roosevelt National Park.

AL2050 - Alternatives: Alternatives Eliminated - Move Elk to the North Unit

Concern ID: 22407

CONCERN STATEMENT: One commenter stated that the NPS is required to handle the elk population as an asset, and that it is critical that the park identify additional available habitat within its own jurisdiction to provide non-lethal alternatives for portions of the south unit elk.

Representative Quote(s): **Corr. ID:** 324 **Organization:** National Parks Conservation Association

Comment ID: 95095 **Organization Type:** Conservation/Preservation

Representative Quote: The dEIS dismisses relocation of elk from the southern unit to the northern unit, reasoning that it would simply create additional problems for THRO on the north end. Instead of viewing a healthy and abundant elk population as liability, NPCA urges NPS to handle the elk population as an asset, and as NPS is required to do.

We strongly urge your consideration of relocation to the north unit. Regardless of where the elk are located, THRO is confronted with a long-term management challenge. In the short term, it is critical that the park identify additional available habitat first within its own jurisdiction to provide non-lethal alternatives for portions of the south unit elk. As with the south unit, we believe that a thoughtfully considered long-term plan for elk in the north unit will help assure that all the park's

resources are protected and that elk are rightfully restored to another small portion of their historic range.

Response: The NPS believes that until proven solutions are available for managing the elk population in the South Unit, it would be irresponsible to establish another closed population in the North Unit that would have similar management challenges.

AL3000 - Alternatives: Envir. Preferred Alt./NEPA § .101&102

Concern ID: 22408

CONCERN STATEMENT: One commenter suggested that the Final Plan/EIS provide an explanation of how the NPS uses public comments to identify the Preferred and Environmentally Preferred Alternatives.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95114 **Organization Type:** Conservation/Preservation

Representative Quote: Preferred and Environmentally Preferred Alternative. An explanation of how the Park Service will use the comments received to identify the Preferred and Environmentally Preferred Alternative should be included in the FEIS.

Response: A summary of the preferred alternative and environmentally preferable alternative scoping process is provided in chapter 5 of the final EIS; responses to substantive comments received during this process are provided in this Appendix. In addition, the description of the preferred alternative in chapter 2 of the final EIS explains how public comment was used in shaping the preferred alternative. Input received during scoping regarding the effects of the various alternatives was considered when assessing the environmentally preferable alternative.

Concern ID: 22409

CONCERN STATEMENT: Commenters suggested that the NPS would have received more meaningful comments had the park identified a preferred alternative in the Draft Plan/EIS. One commenter further suggests that once the Final Plan/EIS is open for public comment, there will only be a limited opportunity for the public to make comments on the preferred alternative.

Representative Quote(s): **Corr. ID:** 287 **Organization:** *Not Specified*

Comment ID: 95879 **Organization Type:** Unaffiliated Individual

Representative Quote: With no preferred alternative in the Draft EIS, much more meaningful public input would have been generated.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: 95599 **Organization Type:** Business

Representative Quote: The NPS refuses to identify a preferred alternative in the Draft EIS. Much more meaningful public comments would be generated if it was evident which alternative the NPS was inclined to recommend. Otherwise, once the Final EIS is complete, there is limited opportunity to comment on the document and effectuate meaningful participation.

Response:

On August 10, 2009, the National Park Service released a brochure to the public which identified the Preferred and Environmentally Preferable Alternatives for the Elk Management Plan/EIS and the basis for their selection, which included consideration of the comments received on the draft EIS. A 30-day public comment period was provided to give the public the opportunity to provide feedback on these alternatives. The NPS has considered the comments received on the preferred and environmentally preferred alternatives, and has provided responses to those comments in this Appendix.

AL4000 - Alternatives: New Alternatives Or Elements

Concern ID: 22411

***CONCERN
STATEMENT:***

Commenters provided additional alternatives and elements to alternatives they suggest should be considered, including: restoring and making available additional elk habitat outside of the South Unit; modifying fence maintenance activities to encourage more elk to exit the park; and donating all meat safe for human consumption - as well as hides and antlers - to Indian Tribes, non-profit groups, and State and Federal agencies.

Representative Quote(s): **Corr. ID:** 217 **Organization:** *Not Specified*

Comment ID: 95865 **Organization Type:** Unaffiliated Individual

Representative Quote: The fact that the TRNP has a high fence to keep the bison and wild horses inside the park should be considered here. By maintaining the fence, you have created an unnatural situation. Without the fence, the elk would certainly leave the park property in greater numbers, which would obviously provide more hunting opportunities.

Corr. ID: 296 **Organization:** *Not Specified*

Comment ID: 95305 **Organization Type:** Unaffiliated Individual

Representative Quote: NPS should stop discouraging elk from leaving

Corr. ID: 298 **Organization:** *Not Specified*

Comment ID: 95398 **Organization Type:** Unaffiliated Individual

Representative Quote: * don't repair fences prior to hunting season

Corr. ID: 300 **Organization:** *Not Specified*

Comment ID: 95366 **Organization Type:** Unaffiliated Individual

Representative Quote: remove fence for a period of time prior to hunting to make it easier for them to leave & be hunted

Corr. ID: 324 **Organization:** National Parks Conservation Association

Comment ID: 95094 **Organization Type:** Conservation/Preservation

Representative Quote: Commitment to securing additional elk habitat on adjacent U.S. Forest Service lands. We are aware that NPS is party to an MOU with the Forest Service and NDGF, and are also aware that the USFS has accepted a request to act as a cooperating agency for this EIS. The USFS commitment in the MOU states: "Strive to achieve and maintain the desired future condition of Grasslands as defined in the Grassland's Plan, while taking into consideration the ecosystem capabilities and natural variability of the area." While we do appreciate that ongoing conversations and collaborations with the USFS over the years on this issue, neither the MOU nor the apparent cooperating agency status as part of this EIS seem to have resulted in significant action on the Forest Service's part that would lead to accommodation of additional elk on USFS lands. Further, the dEIS discloses that the condition of the USFS range is not where the agency would like it to be, primarily because of livestock grazing. NPCA believes that it is essential for THRO and USFS to identify and take steps necessary to make additional USFS habitat available to the elk population as an essential component of a long-term elk management plan.

Clearly, conservation of this unique wildlife population is an item of critical significance for both agencies. As part of an alternative that provides for the overall long term health of this elk population, we request that NPS and USFS commit to developing a long term habitat restoration and management plan that will result in unimpeded access and habitat availability to THRO elk on USFS lands.

Corr. ID: 324 **Organization:** National Parks Conservation Association

Comment ID: 95099 **Organization Type:** Conservation/Preservation

Representative Quote: We request that THRO uses this plan as an opportunity to protect all park resources for both the short and long term and that THRO commit to creative thinking on this issue resulting in a plan that addresses the core issue that heretofore has not been addressed: the need to restore and make available additional habitat for elk outside of the south unit. The solution to the current dilemma lies not in further shrinking the remaining remnant wild values in this NPS unit, but rather in taking decisive strong steps to restore natural rhythms to the park and adjacent lands and providing the full compliment of habitats necessary to sustain wild and free-roaming herds of animals in the region. While this is a more difficult road, it is a road that best aligns with the NPS mission and legal mandates that direct NPS actions and decisions.

Corr. ID: 324 **Organization:** National Parks Conservation Association

Comment ID: 95096 **Organization Type:** Conservation/Preservation

Representative Quote: We encourage NPS to explore opportunities to collaboratively work with private landowners and local authorities adjacent to the park to identify opportunities to provide elk habitat on private ground. While we are familiar with the controversy surrounding this idea and the already existing concerns of park neighbors over crop damage, we believe that ongoing conversation could be beneficial over the long term. Though we believe NPS should cooperate with adjacent landowners and explore future opportunities to collaborate on private land, we recognize that there are limitations of NPS jurisdiction with respect to private property. We therefore understand that any collaboration would be with willing partners, and strongly encourage NPS to pursue that course of action.

Response:

The NPS did consider manipulation of the fence, and restoring and making available additional elk habitat outside of the South Unit. However, because the fence is not

designed to keep elk in the park, such manipulation would not be effective in dispersing elk to adjacent lands. Furthermore, dispersal of elk to adjacent lands would be inconsistent with the current land use plans for land surrounding the park, and the NPS received many comments opposing dispersal of elk to lands outside the park. As the EIS demonstrates, the availability of habitat for elk is not the issue, but rather the unregulated growth of the elk population in an unbalanced ecosystem. Recognizing this, NPS has developed this plan/EIS which would guide elk management for the next 15 years--or until conditions change that necessitate an update.

Concern ID: 22413

CONCERN STATEMENT: Commenters suggested examining the impacts that horses, bison, and prairie dogs have on the vegetation in the park, and analyze if removing these species would be beneficial to park resources.

Representative Quote(s): **Corr. ID:** 213 **Organization:** *Not Specified*

Comment ID: 95384 **Organization Type:** Unaffiliated Individual

Representative Quote: The other thing I would like to say is if you would get rid of some of the Prairie Dogs in the park there would be grass to feed more Elk and Buffalo.

I have been going to the Park every year for the last 20 years, and every year there are more Prairie Dogs. Don't get me wrong, I have grand kids that like to see them as much as anybody else, but they are taking over the park! Jump on a horse and ride through the Park, you will see what I'm talking about. Peaceful Valley doesn't have enough grass left to feed 10 Elk.

Corr. ID: 222 **Organization:** *Not Specified*

Comment ID: 95831 **Organization Type:** Unaffiliated Individual

Representative Quote: You People should worry about more important issues and keep control of the noxious weeds your letting destroy the state because it's left untouched or the prairie dog explosion that taking many acres of grazing away from the less destructive animals .

Corr. ID: 326 **Organization:** *Not Specified*

Comment ID: 95807 **Organization Type:** Unaffiliated Individual

Representative Quote: Another matter I would like to address is available habitat. It is possible there are too many bison on the park. They are eating available grass. Elk and bison are native to North America and North Dakota, horses are not. Why are there horses who consume tremendous amounts of grass in the park. They do not belong. I urge you to look at the number of horses and bison to see if that can be reduced.

Corr. ID: 365 **Organization:** *Not Specified*

Comment ID: 95355 **Organization Type:** Unaffiliated Individual

Representative Quote: I promote lowering the buffalo population to 150 or less, horses to 50 or less and maintaining a larger population of at least 400 elk. Buffalo and horses are harder on the south unit's natural environment as heavier grazers than elk. Rubbing and wallowing buffalo take a toll on physical park attributes, too.

Response:

Theodore Roosevelt National Park was established to commemorate the conservation legacy of its namesake and to preserve the great diversity of plant and animal species representative of the North Dakota Badlands and Northern Great Plains. Bison, prairie dogs, elk, and feral horses are just a few of the species that roamed the badlands during Roosevelt's time and their modern day presence in the park is enjoyed by several hundred thousand visitors each year. Removal of native species inside the park would violate the NPS Organic Act and Management Policies. The NPS is not proposing to remove these species from the park and therefore any impacts associated with their removal were not evaluated in the draft elk management plan/environmental impact statement.

Concern ID:

22415

**CONCERN
STATEMENT:**

Commenters suggested that a combination of proposed alternatives be implemented.

Representative Quote(s): **Corr. ID:** 85

Organization: NRA & Trout Unlimited

Comment ID: 95213 **Organization Type:** Unaffiliated Individual

Representative Quote: I think that Option B and Option E with some of Option D should be included. Options B and E along with natural predation should take care of most of the thinning of the Herd. Option D should be included occasionally just to make sure that CWD Chronic Wasting Disease is kept in check and if Elk are needed in other areas of the Nation they can be pulled from a healthy herd with out fear that other areas could be contaminated with any disease.

Corr. ID: 269

Organization: *Not Specified*

Comment ID: 95021 **Organization Type:** Unaffiliated Individual

Representative Quote: Alternative C seem to be the best and most realistic approach to get the numbers down. The elk could be rounded up in the late fall and herded into a holding facility. The number that could be handled for a day could be euthanaized and the meat processed and later distributed. The next day more could be taken care of the same way until the numbers are reduced to the level desired. After the reduction is made, the park could maintain the numbers by using one of the other alteratives that isn't so drastic. The elk killed this way could all be tested for cronic wasting disease and if found clear of this disease, they could be rounded up on a yearly basis and relocated to willing recipients outside the park as described in alternative D.

Corr. ID: 278

Organization: *Not Specified*

Comment ID: 94991 **Organization Type:** Unaffiliated Individual

Representative Quote: My preferred alternative is D, Testing and Translocation. But I would like to see it used in conjunction with increased hunting outside of the park or using the already hunted elk's brain stems in the determination that chronic wasting disease is not present in the herd. Once the CWD free status is established, I would like to see the elk relocated, like the bison, rather than killed for any reason. I understand that more will probably need to be killed to reach the number needed for CWD testing, and I would rather it be from more hunted outside the park. Can the hunting season for elk not be extended or what if game wardens and land owners were given the right to kill an elk outside the park NOT during a hunting season?

Corr. ID: 330 **Organization:** *Not Specified*

Comment ID: 94907 **Organization Type:** Unaffiliated Individual

Representative Quote: I believe a lottery should be held to assemble a group of skilled volunteers to harvest an appropriate sample size of the elk herd for testing for CWD. All applicants for the lottery would be charged a training fee of about \$50.00 (non-refundable) to help with the training of the few who would be lucky enough to be selected. The fee could also be used to defray expenses of the CWD testing. The next phase would be a translocation of excess elk to other places in North Dakota or with the help of the rocky mountain elk foundation to other parts of North America--- providing of course that the herd is CWD Free! I believe this plan would set well with North Dakota taxpayers, hunters, conservationists, anti-hunters, ranchers, and hopefully park officials as well.

Corr. ID: 361 **Organization:** *Not Specified*

Comment ID: 94967 **Organization Type:** Unaffiliated Individual

Representative Quote: Of all the proposals, I believe a combination of transfer and skilled volunteer culling is the best. It would be a waster of a valuable resource to simply terminate a substantial part of this herd.

A culling of the herd in conjunction with an "off park" hunt through the ND Game and Fish to complete statistical proof of CED free status is the premier plan. These elk can then be a "foundation" for other locations for generations. Reasonable management of numbers can be maintained as needed. Skilled volunteers of off-park hunting can raise funds by license of fees to defray associated costs. The ND hunter will have less to complain about and the general public can benefit from processed meat.

This would be a very nice public use if the state can arrange access and a drive push were used to concentrate the animals with mandatory CWD testing.

Corr. ID: 367 **Organization:** *Not Specified*

Comment ID: 95015 **Organization Type:** Unaffiliated Individual

Representative Quote: In order to facilitate a 40% or better harvest by hunters, at about the same time as the opening of the state elk season, sharpshooters in the park could haze animals out of the park and harvest as many as are thought necessary. If animals began to return to the park during hunting season, a second wave of sharpshooter or hazing activity might be necessary or advisable. As you know the hunting season tends to move animals back into the park.

The combined harvest might present appropriate numbers for the required testing necessary to ship animals out of the park. This solution requires careful coordination with ND Game and Fish Department. It might take two or more years of implementation of this plan to reduce the park herd to the desired numbers.

Since CWD is present in states around ND, but not detected in CD as yet, it may be a good idea to act quickly on this alternative action in order to effect the herd reduction before CWD appears in ND.

Corr. ID: 372 **Organization:** Badlands Conservation Alliance

Comment ID: 94813 **Organization Type:** Conservation/Preservation

Representative Quote: The above clarifications having been stated, Badlands Conservation Alliance recommends that the National Park Service choose as its

Preferred Alternative a combination of alternatives, with Alternative D holding primacy. We would recommend that Alternative D be used for initial reduction, including the broadest statistically significant sampling for CWD possible, one that takes into account those animals taken outside the Park during one or more hunting seasons. Should CWD be found absent, opportunities for translocation should be initiated as soon and as rapidly as possible. BCA would happily see these live elk go to qualified entities that welcome them. They are a treasure.

Should CWD be found, BCA recommends that adaptive management be implemented in the form of Alternative E, with all provisions above applied. If for any reason NDGF is unwilling to partner in this effort, including developing a mutually satisfactory agreement with adjacent landowners, the NPS should move to Alternative C and make the required reductions.

Response: The NPS preferred alternative is indeed a combination of DEIS alternatives B, C, and D, and provides the NPS flexibility needed to adequately manage elk in Theodore Roosevelt National Park.

Concern ID: 22417

CONCERN STATEMENT: One commenter suggested that the plan should be considered for revisions in five years as opposed to fifteen years, as stated in the Draft Plan/EIS.

Representative Quote(s): **Corr. ID:** 78 **Organization:** NRA Member

Comment ID: 95214 **Organization Type:** Unaffiliated Individual

Representative Quote: The plan sounds solid but should be up for revisal in five years, not fifteen.

Response: Due to the time needed to prepare and successfully implement the plan, and due to the costs and effort associated with the preparation of the EIS, the NPS believes 15 years is the correct time-frame required for this Elk Management Plan. It is unlikely that the plan could accomplish its objectives in a time span as short as 5 years.

Concern ID: 22418

CONCERN STATEMENT: One commenter suggested that the Maintenance Phase should be conducted as described in Alternative B.

Representative Quote(s): **Corr. ID:** 372 **Organization:** Badlands Conservation Alliance

Comment ID: 94814 **Organization Type:** Conservation/Preservation

Representative Quote: Additionally, BCA thinks that the initial reduction methodology should not be linked to the maintenance phase. In our Scientific Advisory Team discussion above, we support implementation of ongoing maintenance via that outlined in Alternative B. On page 37 of Attachment 1: Recommendations for Management of Elk at Theodore Roosevelt National Park, the Scientific Advisory Team states: "e. In practice, risks of substantial error (i.e. large departures from objectives) are likely to be least for relatively large population sizes and relatively modest manipulations." BCA deems that the annual removal of approximately 20-24 female elk will produce less disturbance while avoiding swings in elk population suggested by other alternatives. We also think this steady population

will allow for a more solid base from which to make adaptive management decisions.

Response: The preferred alternative contemplates removal of approximately 24 female elk during the maintenance phase, as the commenter has suggested.

Concern ID: 22420

CONCERN STATEMENT: One commenter suggested that removing young cows (specifically calves and yearlings) could reduce the birthrate from 0.6 female calves per cow to 0.4 female calves per cow.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95108 **Organization Type:** Conservation/Preservation

Representative Quote: Additionally, the reproductive performance of cervids varies with age and condition. Younger females tend to produce more female calves than older females. Therefore by selectively removing younger cows, particularly calves and yearlings and releasing the older cows the fecundity of the herd may be reduced from 0.6 female calves per cow to perhaps 0.4 female calves per cow (Clutton-Brock et al. 1982. Red Deer: behavior and ecology of two sexes. University of Chicago Press, Chicago, IL; Table 8.1).

Response: Some alternatives would allow for the selective removal of specific age and sex classes (i.e., roundup), while other methods would not allow such flexibility (e.g., increased hunting outside the park). Under the preferred alternative the park would have the option of adjusting removals (e.g., younger vs. older females) based on observed performance of the population.

Concern ID: 22421

CONCERN STATEMENT: Commenters suggested evaluating the success of the proposed alternatives in terms of the possibility of the elk learning to avoid management actions as time goes by, and also the increased difficulty associated with smaller herd numbers as management actions are implemented.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95117 **Organization Type:** Conservation/Preservation

Representative Quote: In each of the Alternatives that require more than one season to accomplish, the Park Service should evaluate the complication for achieving the objective by the increase in difficulty from elk learning to avoid the management action, and the reduced opportunity associated with smaller herd numbers in each succeeding year.

Corr. ID: 380 **Organization:** *Not Specified*

Comment ID: 94966 **Organization Type:** Unaffiliated Individual

Representative Quote: I support the increased licensing of elk to hunt outside the park by the common hunter. In order for this to succeed, there has to be cooperation with the ND Game and Fish, and the land owners who live near the park. There also has to be a way to drive the elk out of the park for the hunters. I've talked to many previous elk hunters and after the first week of open elk season your chances of

getting an elk greatly decrease. The elk know where they are safe and return to the park, where they are inaccessible. Also, if testing is done at this time and it proves there is no CWD, perhaps we would also in the future be able to transfer elk once again.

Response: The EIS states that monitoring of the elk population would be conducted to provide feedback regarding the efficacy of the selected alternative. This will ensure that reasons for observed outcomes (success or failure) will be determined, evaluated, and adjusted accordingly.

AL5040 - Alternatives: Lethal Methods (General)

Concern ID: 22423

CONCERN STATEMENT: Commenters suggested that lethal reduction of the elk herd should focus on the cows, and not on the bulls.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95106 **Organization Type:** Conservation/Preservation

Representative Quote: To the extent it is compatible with the stated goals, bulls should not be put down, but released back into the park. By focusing the reduction on the female segment of the population, excess satellite bulls will likely continue to wander out of the park, thereby giving hunters the opportunity to have access to harvest these animals. Between 1999 and January 2007 only eight to sixteen cows were harvested annually outside the park. Therefore, it is our opinion that an initial reduction of cows from the park may have minor influence on hunting opportunities outside the park.

Corr. ID: 381 **Organization:** The Wildlife Society

Comment ID: 95414 **Organization Type:** University/Professional Society

Representative Quote: A timely and efficient initial reduction in elk numbers will lessen the chance of dispersing elk on to private land and causing problems for neighboring ranchers. To the extent it is compatible with the stated goals, bulls should not be put down, but released back into the park. By focusing the reduction on the female segment of the population, excess satellite bulls will likely continue to wander out of the park, thereby giving hunters the opportunity to have access to harvest these animals.

Response: The NPS agrees with the commenters, and the EIS reflects that the focus of removal will be on cows, not bulls.

AL5080 - Alternatives: Carcass Management

Concern ID: 22424

CONCERN STATEMENT: Commenters requested information regarding the logic and benefits for leaving elk carcasses in the field subsequent to lethal management actions.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95041 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 49. What is the reason for leaving 30 carcasses on the ground to decay?

Corr. ID: 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95116 **Organization Type:** Conservation/Preservation

Representative Quote: An explanation of the logic and benefits for leaving carcasses in the field should be included.

Response: As the EIS states, some carcasses could be left in the field. Most of these would be left because of the difficulty retrieving them given terrain, weather, etc.

AL6000 - Alternatives: Research and Monitoring

Concern ID: 22426

CONCERN STATEMENT: One commenter suggested that, in addition to CWD monitoring, obtaining additional biological information related to the elk should be a priority, including age specific reproductive performance, growth rates, baseline blood and tissue testing, and parasite loads.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95113 **Organization Type:** Conservation/Preservation

Representative Quote: Commitment to CWD testing for each animal removed from the Park is essential. Additionally, complete biological information stored in these animals needs to be collected and processed. Extremely valuable information such as age specific reproductive performance, growth rates, baseline blood and tissue testing for trace element and disease screenings, genetics, and parasite loads should all be considered for evaluation. The opportunity to collect such a complete set of information on this species should not be lost.

Response: The NPS agrees that a robust monitoring program is essential to determining the efficacy of the management actions. Under the monitoring program, the park will collect as much useful biological data as possible to assist with determining the reasons for observed outcomes (success or failure) and to assist the park in determining future management actions.

CC1000 - Consultation and Coordination: General Comments

Concern ID: 22447

CONCERN STATEMENT: One commenter recommended that the Park Service coordinate with other agencies and organizations interested in elk health, in order to identify opportunistic health data needs.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95825 **Organization Type:** Conservation/Preservation

Representative Quote: We recommend that the Park Service coordinate with agencies and organizations interested in elk health to identify opportunistic health data needs, and to the extent practical, incorporate the collection of that information during the herd reduction at the TRNP.

Response: The NPS is committed to sharing data with, and seeking data from, other entities including cooperating agencies such as the US Forest Service and the NDGF.

CR4000 - Cultural Resources: Impact Of Proposal And Alternatives

Concern ID: 22427

CONCERN STATEMENT: One commenter suggested that any fence alterations that may be conducted as part of this Plan/EIS would merit consideration of potential impacts to cultural resources.

Representative Quote(s): **Corr. ID:** 357 **Organization:** State Historical Society of North Dakota

Comment ID: 95055 **Organization Type:** State Government

Representative Quote: Under Alternative E, fence alterations are mentioned, and this activity warrants consideration of potential impacts to cultural resources should it be implemented. Likewise, Fire Management Plans carried out in concordance with the overall management plan, merit consideration of potential impacts prior to their implementation as well.

Response: Any fence alterations or repairs not identified and analyzed in the elk plan/EIS or other previous park document would be subject to provisions of the National Environmental Policy Act and National Historic Preservation Act. With respect to cultural resources, this could require additional consultation with the North Dakota State Historic Preservation Officer (SHPO). The NPS expects that in most instances when fence posts are replaced, the new post will be installed in the old hole or immediately adjacent to the old hole. The great majority of fence repairs and/or alterations under the life of the elk plan are expected to be a similar type of in-kind replacement with a minimal likelihood of disturbing subsurface cultural resources.

EL11000 - Elk Population: Desired Conditions

Concern ID: 22428

CONCERN STATEMENT: One commenter suggested that the population objective for elk in the park, as stated in the Draft Plan/EIS, may not be the carrying capacity for elk in the park, and further suggested that the park reassess the alternatives considering the biological carrying capacity, and not the population objective as stated in the Draft Plan/EIS.

Representative Quote(s): **Corr. ID:** 371 **Organization:** North Dakota Game and Fish Department

Comment ID: 94885 **Organization Type:** State Government

Representative Quote: While TRNP has set a population objective for elk in the park in the EIS, we do not believe this is the carrying capacity, and damage to the park's ecosystem does not occur at a much greater population level. The biological carrying capacity of TRNP should be reassessed and alternatives viewed in this context rather than the population goal identified in the EIS.

Response: While the park could manage elk to a higher level, such management could increase the population to a level that would not be sustainable and would have adverse impacts to other park resources such as vegetation. The NPS confident that based upon the Science Team recommendations, maintaining elk to between 100-400 elk will allow the elk population to exist at a level that will benefit elk, other wildlife, and the park's vegetation over the long term.

Concern ID: 22429

CONCERN STATEMENT: One commenter suggested that the target elk population should be reduced to no more than 100 elk within the park, stating that the proposed target population of 100-400 is too vague.

Representative Quote(s): **Corr. ID:** 384 **Organization:** Vogel Law Firm

Comment ID: 95567 **Organization Type:** Business

Representative Quote: The NPS adopted a target population of between 100 and 400 elk as the target population. Given the level of depredation on private farmers and ranchers and the high reproduction and survival rate of TRNP elk, Billings County strongly urges the NPS to reduce the target level of elk within the TRNP to no more than 100. The 100-400 number is too vague and lacks a sufficient hard trigger to require immediate action to control elk population.

Response: Managing elk to a definite number would require frequent action and would maintain the elk population to unnaturally low levels. It is much more realistic to manage the elk within a range, which allows for necessary adjustments. Furthermore, managing population to a number of 100 elk would require maintaining the population at a level well under 100 elk, which would be inconsistent with the recommendations of the Science Team.

EL2000 - Elk Population: Methodology and Assumptions

Concern ID: 22430

CONCERN STATEMENT: One commenter stated that they are unconvinced that the elk population will continue to grow to a point that is unsustainable, thus questioning the need for an elk management plan.

Representative Quote(s): **Corr. ID:** 349 **Organization:** *Not Specified*

Comment ID: 94941 **Organization Type:** Unaffiliated Individual

Representative Quote: To pursue any of the other alternatives is based on the assumption that the elk population will continue to grow to a point that is unsustainable. I am unconvinced that assumption is correct.

Response: Past performance of the elk herd at the park indicates that the herd has the ability to increase at a rapid rate, thereby necessitating a responsible response by the NPS to manage the herd within established objectives before damage occurs.

Concern ID: 22432

CONCERN STATEMENT: One commenter questioned how the elk would react to being shot at inside the park, if alternative B is implemented.

Representative Quote(s): **Corr. ID:** 278 **Organization:** *Not Specified*

Comment ID: 94992 **Organization Type:** Unaffiliated Individual

Representative Quote: Since the elk in the park are historically very shy and secretive, how do you think the population will react if they are shot at inside their safe haven of the park? When hunting begins outside the park, a lot return because they know its safe. Do you think the elk will scatter and disperse outside the park to keep from being hunted in the range?

Response: The EIS includes an analysis of how elk would react to direct reduction with firearms under alternative B, noting the potential effects on movement. However, the distance they would move is unknown, and would be assessed during monitoring of the outcomes of management actions. The National Park Service will monitor the elk population to provide feedback regarding the efficacy of the selected alternative. This will ensure that reasons for observed outcomes (success or failure) will be determined, and adjusted accordingly.

ON1000 - Other NEPA Issues: General Comments

Concern ID: 22433

**CONCERN
STATEMENT:**

Commenters suggested that the NPS failed to meet NEPA's requirement to thoroughly examine and present a reasonable range of alternatives, suggesting that only lethal methods were considered while ignoring long-term methods associated with elk management.

Representative Quote(s): **Corr. ID:** 324

Organization: National Parks Conservation Association

Comment ID: 95092

Organization Type: Conservation/Preservation

Representative Quote: NPCA does not believe that THRO provided the public with a reasonable range of alternatives from which to review proposed actions and environmental impacts. All action alternatives focused almost exclusively on treating the symptom of the problem - high numbers of elk, without rigorously exploring or addressing the actual problem itself - lack of adequate seasonal and year-round habitat. All action alternatives proposed varying ways to remove a significant portion of the elk population over the lifetime of the project, while ignoring the long-term challenges associated with managing this elk population.

Corr. ID: 324

Organization: National Parks Conservation Association

Comment ID: 95093

Organization Type: Conservation/Preservation

Representative Quote: NPCA agrees with the THRO determination regarding carrying capacity within the south unit, but we believe that the NEPA document failed to address the heart of the issue and instead relied exclusively on removing animals from the population. As a result, we believe that THRO has failed to meet NEPA's requirements to thoroughly examine a reasonable range of alternatives.

Corr. ID: 376

Organization: The Humane Society of the United States

Comment ID: 94787

Organization Type: Conservation/Preservation

Representative Quote: Here, the NPS has failed to adequately study, develop, and describe a reasonable range of alternative management plans for TRNP. Such an analysis would consider alternatives to lethal control to achieve the NPS's management objectives for the park and the wildlife that reside there. However, the alternatives proposed in the Draft EIS fail to constitute a reasonable range - e.g., they include only the "no action" alternative and four additional "action" alternatives, all of which involve lethal reduction.⁵ While the NPS must include an analysis of the "no action" alternative, because this alternative provides the baseline for the agency's analysis, the inclusion of the "no action" alternative alone does not create a reasonable range of alternatives. Efforts to develop non-lethal methods for initial reduction would help ensure that the Service is conforming to its legislative mandate to protect and preserve the Park System's natural resources.

Response:

The NPS considered a wide range of alternatives and alternative elements in the development of the EIS, including making more elk habitat available outside the park and fertility control methods. Allowing the elk population to grow unchecked would be inconsistent with the purpose, need, and objectives of the plan, and

making additional habitat outside the park is not considered feasible at this time. Furthermore, there is no fertility control method that would be effective for initial reduction of the elk herd. The EIS does, however, evaluate the use of fertility control for elk herd maintenance. Should a fertility control agent become available for use during the life of the plan, the park will have the opportunity to evaluate and possibly use such a non-lethal agent.

Concern ID: 22434

CONCERN STATEMENT: One commenter noted that the park may be required to produce a programmatic EIS, stating that the use of "volunteer hunters" in national parks would qualify as a "systematic program," which would require a programmatic EIS.

Representative Quote(s): **Corr. ID:** 376 **Organization:** The Humane Society of the United States

Comment ID: 94784 **Organization Type:** Conservation/Preservation

Representative Quote: "A programmatic EIS reflects the broad environmental consequences attendant upon a wide-ranging federal program. The thesis underlying programmatic EISs is that a systematic program is likely to generate disparate yet related impacts." Found. on Econ. Trends v. Heckler, 756 F.2d 143, 159 (D.C. Cir. 1985). See also Kleppe v. ~Sierra Club, 427 U.S. 390, 409 (1976) (stating that a programmatic EIS may be required in situations where several related proposed actions are pending at the same time). Here, the NPS's use of volunteer hunters in national parks across the country would certainly' qualify as a "systematic program," id., and, although impacts may vary slightly from park to park, it is undeniable that these impacts are related as they stem from the same activity: the shooting of animals in national parks by members of the hunting public. In addition, the CEQ regulations provide that an agency should prepare a programmatic EIS if proposed actions are "connected," "cumulative," or "sufficiently similar" that a programmatic EIS is "the best way" to identify relevant impacts and effects. 40 C.F.R. § 1508.25; Heckler, 756 F.2d at 159 (D.C. Cir. 1985). Finally, the failure of the NPS to produce a programmatic EIS for the use of volunteer hunters is in blatant disregard of the CEQ regulations which require that "broad actions" and "systematic and connected agency decisions" be considered in the same assessment. 40 C.F.R. § 1502.4(c); id. § 1508. 18(b).

Response: The NPS has prepared a number of ungulate management plans. Due to the varied nature of the terrain and the differing vegetation found in each park, these plans have been prepared separately. Several of the plans contemplate use of skilled volunteers to assist with culling, and many of the plans do not contemplate such a use of skilled volunteers. The NPS does not believe use of skilled volunteers constitutes a systemic program requiring a programmatic EIS. Rather, the potential effects of the use of skilled volunteers are analyzed on a case by case basis for any plan that such use is considered.

PN4000 - Purpose And Need: Park Legislation/Authority

Concern ID: 22435

CONCERN STATEMENT: One commenter asked if the NPS policy to allow hunting within the park is changed by legislation, would the Plan/EIS be reopened to public input before the 15 year management period has expired.

Representative Quote(s): **Corr. ID:** 209 **Organization:** SEND Pheasants Forever
Comment ID: 95253 **Organization Type:** Unaffiliated Individual

Representative Quote: If the NPS/Secretary of the Interior policy is changed by legislation, would the EIS at TR National Park be able to be reopened for input on future alternatives for herd management before the 15 year plan cycle.

Response: If the National Park Service policy regarding hunting in parks is changed by legislation that allows or mandates hunting at Theodore Roosevelt National Park, the NPS may re-assess elk management at the park before the expiration of the 15-year life of the plan. Any new elk management plan that is prepared in the future will likely go through the same planning process as the current plan, and therefore will likely have an opportunity for public review and comment.

Concern ID: 22436

CONCERN STATEMENT: One commenter requested specific information regarding attempts made to change the NPS policy disallowing hunting within the park, including how many attempts have been made, who sponsored them, and specific bill numbers.

Representative Quote(s): **Corr. ID:** 209 **Organization:** SEND Pheasants Forever
Comment ID: 95252 **Organization Type:** Unaffiliated Individual

Representative Quote: My first question/comment would be if this process started around 2004 how many attempts at legislation changing the policy of hunting NPS lands for the purpose of herd reduction/management have been made? If possible could you provide explanations on these attempts, who sponsored them, from what states, and so on. Specific bill numbers would be helpful. I understand the NPS cannot lobby to change policy. Stating that bill died in committee will not be sufficient, why they died in committee would be more helpful.

Response: The National Park Service has not made any efforts to change the law that prohibits hunting in the park. However, there have been two attempts at legislation to allow hunting in the park. Senator Byron Dorgan introduced a bill on February 26, 2007 (S684 – The Elk Population Management Act of 2007) to allow hunting in the park. It was co-sponsored by Senator Kent Conrad. The bill was referred to the Committee on Energy and Natural Resources, however it was never enacted. Senator Dorgan also put language in the 2010 Department of Interior Appropriations Bill stating, “None of the funds made available in this Act shall be used to establish or implement a plan to reduce the number of elk in Theodore Roosevelt National Park unless such plan, notwithstanding any other provision of law, allows North Dakota residents possessing a state hunting license to be deputized by the Secretary as rangers in such numbers as the Secretary deems sufficient for purposes of culling the elk herd at the Park, and allows each such volunteer to cull one elk and remove its carcass from the Park.” This passed the

Senate but the language was not included in the final bill passed by the House and Senate.

PN8000 - Purpose And Need: Objectives In Taking Action

Concern ID: 22437

CONCERN STATEMENT: One commenter asked if all alternatives should have the same population objective, stating that they are different under alternatives B and D.

Representative Quote(s): **Corr. ID:** 337 **Organization:** *Not Specified*

Comment ID: 95044 **Organization Type:** Unaffiliated Individual

Representative Quote: Page 58. The initial reduction object is 200 animals. Other alternatives have initial reduction objectives of 100 elk (alternative D, p. 67 for year 3). Shouldn't all alternatives have the same population objective?

Response:

While the elk are intended to be managed to a population between 100-400, the initial reduction objectives vary slightly depending on the management action proposed under a specific alternative. For instance, the commenter pointed out that Alternative D has an initial reduction objective of 100 rather than 200 elk. This is due to the number of elk that would need to be tested for CWD and the number of elk that would be translocated. In order to minimize management actions and have enough elk to test and translocate under Alternative D, the elk would need to be reduced to a population of 100 elk for initial reduction.

SE4000 - Socioeconomics: Impact Of Proposal And Alternatives

Concern ID: 22438

CONCERN STATEMENT: Commenters stated that landowners with property adjacent to the park that experience depredation from elk (especially as a result of implementing alternative E) should be compensated for the necessary repairs they make to their property. Some commenters stated that if these landowners are not compensated, they will be forced to sell their land, which may convert farmland into vacation homes.

Representative Quote(s): **Corr. ID:** 287 **Organization:** *Not Specified*

Comment ID: 94949 **Organization Type:** Unaffiliated Individual

Representative Quote: If Alternative E is your preferred alternative, there has been no economic impact study done on elk damage - fences, crops, and feed that has been lost. There was no talk of loss of aums on private and national grasslands with the extra number of elk. NPS must address the economics of Alternative E if selected as the preferred alternative.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: **Organization Type:** Business

95610

Representative Quote: In Billings County, the State and Federal government already owns 50% of the land within the county borders, leaving the County to meet its budget with only 50% of county land providing the totality of its tax base. As such, what hurts County farmers and ranchers (comprising of 94% of county land use) hurts Billings County. Given the high level of non-taxed, public ownership, Billings County will be more affected than other counties may be if there is a NPS decision with an adverse impact on farming and ranching. The added costs of fencing and replacement feed for cattle and replacement pasture will add financial strain to an already meager farming profit margin. If farmers and ranchers are forced out of operation, ranchland may be sold for other purposes, such as vacation homes and hunting land. Billings County may see a few more 'ranchette' vacation homes and additional hunters while losing farm families from the community.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: **Organization Type:** Business
95646

Representative Quote: The NPS has made no attempt to quantify the economic losses occasioned by local farmers and ranchers near TRNP, which must be done if Alternative E were to be considered as the preferred alternative. Ranchers near the west fence line of Wind Cave National Park have given up planting small grains and have lost half of their alfalfa, since the NPS has opted to manage that burgeoning elk herd by pushing elk out of the Park and onto nearby private land, relying on hunters to control the elk population. The NPS may claim their management is 'successful,' as it certainly pushes elk out of the Park boundaries as a means to reduce Park elk population, yet the surrounding landowners would likely take issue with the NPS's definition of success.

(http://www.rapidcityjournal.com/articles/2007/02/10/news/top/news00e_too_many_elk.txt) If local landowners are expected to bear the burden of feeding the NPS's overpopulated elk herd, there should be significant depredation payments being made to these local landowners. The NPS provides feed stocks and payments to landowners near other National Parks, so there is no reason NPS should not be doing the same thing for the property owners near TRNP.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: **Organization Type:** Business
95621

Representative Quote: There are numerous examples of trust funds nationally that reimburse private parties for losses occasioned as a result of the introduction of wolves as a manner of controlling elk herds. Ranchers who suffer financial loss as a result of the NPS's management practices should similarly be compensated for their expenses and loss of livelihood as a result of NPS's lack of management of the elk herd within the TRNP. Yet, Billings County farmers and ranchers have received nothing to date for feeding the NPS's elk.

Corr. ID: 384 **Organization:** Vogel Law Firm

Comment ID: **Organization Type:** Business
95605

Representative Quote: Since one alternative of this EIS contemplates chasing 1,358 elk outside the TRNP boundaries onto private land over the course of 5 years, the EIS should give a more thorough analysis of whether and how private landowners will be compensated for this significant intrusion and the loss of feed, crops and income that will result.

Response:

While the preferred alternative does not anticipate dispersing large numbers of elk onto adjacent lands, the EIS discloses potential impacts to private lands adjacent to the park on pages 212 and 213. It acknowledges the potential for a reduction in USFS grazing permits on page 214, but a quantitative analysis of this issue is precluded because data are not available to correlate the effect of elk use to a specific reduction in the number of animal unit months that would be available for grazing. In regards to depredation, the NPS is aware of only minimal depredation claims in the area in recent years and does not anticipate compensating landowners for damage resulting from elk in the area.

VE4000 - Visitor Experience: Impact Of Proposal And Alternatives

Concern ID: 22440

**CONCERN
STATEMENT:**

One commenter suggested that the impact to visitor experience would be greater than what is explained in the Draft Plan/EIS, stating that the possibility of seeing an elk subsequent to management activities would drop considerably, thus compromising visitor experience.

Representative Quote(s): **Corr. ID:** 376

Organization: The Humane Society of the United States

Comment ID: 94792

Organization Type: Conservation/Preservation

Representative Quote: The Draft EIS also indicates that the lethal reduction activities would be conducted in the fall and winter, "when visitation is low," and that "[f]ew visitors would be affected because most visitation occurs in June, July, and August" See, e.g., Draft EIS at 224. However, according to 2006 TRNP visitation statistics, nearly 45,500 visitors accessed the South Unit of the Park between October and February. This could hardly be considered a "few visitors," especially in light of the fact that the entire Park received an estimated 435,359 visitors that year. See <http://www.ohranger.com/theodore-roosevelt-park> (last accessed March 18, 2009). The Draft EIS severely downplays this potential impact to the wildlife viewing opportunities of nearly 10% of the Park's visitors.

Corr. ID: 376

Organization: The Humane Society of the United States

Comment ID: 94790

Organization Type: Conservation/Preservation

Representative Quote: The Draft EIS has underestimated the impact to wildlife viewing opportunities that will result once hundreds of elk are permanently removed from the South Unit of TRNP. Although the Draft EIS acknowledges that "many visitors came to the park' for the opportunity to see wildlife," Draft EIS at 27, and that "[v]iewing wildlife and taking pictures are the most common visitor activities in the park," id. at 133, the lethal reduction activities proposed by the NPS here would obviously result in reduced potential for elk-human interactions. Id. In addition, the Draft EIS acknowledges that "[a]nnual direct reduction activities could deter visitors from travelling to the park during management actions and beyond if they disagree with this approach or if they are concerned their visit could be disrupted." Id. at 209. However, the Draft EIS downplays these impacts, stating that "currently the chances of seeing elk are not that high and it is unlikely that a decline in the elk population would be noticed by' visitors, resulting in a negligible to

minor adverse impact for those visitors." Id. at 223.

Response:

As a result of this comment, the NPS re-examined the impacts that are expected to visitor experience for each alternative. While the likelihood of seeing an elk inside the park will drop if the management actions are successful, the NPS believes that such impacts would only result in negligible to minor impacts, as defined by the impact thresholds for Visitor Use and Experience found on page 252 of the final EIS.

VR11000 - Vegetation and Riparian Areas: Desired Conditions

Concern ID: 22441

CONCERN STATEMENT:

One commenter suggested updating the 1993 forage-allocation model with recent data collected in order to examine if a larger elk population will adversely impact plant communities within the park.

Representative Quote(s): **Corr. ID:** 373

Organization: World Wildlife Fund - Northern Great Plains Program

Comment ID: 95125

Organization Type: Conservation/Preservation

Representative Quote: We also recommend the NPS institute the following actions: (1) continue elk and vegetation monitoring; (2) continue searching for elk hunting opportunities outside of TRNP (i.e., alternative E); and (3) Update the 1993 forage-allocation model with recent data collected (i.e., beginning in 2000) by the NPS and U.S. Geological Survey on the TRNP elk population to assess the influence of elk on native plant communities. Doing so would also address the plan/EIS's speculation that "larger populations of elk could, over the long-term, negatively affect plant communities and other resources as a result of overgrazing. Large elk populations could also negatively affect other herbivores present in the South Unit by competing for forage".

Response:

The Science Team evaluated the forage allocation model and determined that the appropriate elk population in the park should be 100 to 400 elk. The forage allocation model provides a starting point for management. Per the recommendations of the Science Team, populations larger than 400 have the potential to quickly grow to unsustainable levels that could adversely impact other ungulates and plant communities in the park. As stated in the EIS, monitoring will be conducted throughout the life of the plan to better determine the effect of elk on the park's vegetation, and whether the appropriate range for the population continues to be between 100 and 400 elk.

VS4000 - Visitor Conflicts And Safety: Impact Of Proposal And Alternatives

Concern ID: 22442

CONCERN

One commenter stated that the Draft Plan/EIS does not sufficiently address the

STATEMENT: safety issues related to implementation of alternative B and visitor safety within the park.

Representative Quote(s): **Corr. ID:** 376 **Organization:** The Humane Society of the United States

Comment ID: 94795 **Organization Type:** Conservation/Preservation

Representative Quote: Perhaps more importantly, the Draft EIS describes the significant safety risks the use of volunteer, private hunters as described in Alternative B would pose to both visitors to and employees of TRNP. See Draft EIS at 93 ("impacts to employee safety would be long-term, minor to moderate adverse); id. at 230 ("[t]he safety of both visitors and NPS employees at [TRNP] would be affected by implementation of the proposed elk management actions" and that "[t]hese activities would increase the potential for employee injury and accidents). The NPS attempts to downplay these impacts by describing its yet-to-be-developed - and therefore not disclosed to the public for consideration and comment requirements for firearms use and the skill of the personnel involved but provides no detail as to how safety risks would be minimized. Furthermore, as described more fully above, while the Draft EIS states that lethal reduction activities would take place in the fall and winter, the number of visitors the park receives during these months is certainly not negligible, the Draft EIS does not indicate how the NPS plans to ensure that no visitors are in the area while elk are being shot. While it is easy to close parking lots and post signs, it is not as simple to close off foot trails that traverse the park and enter onto adjacent land.

Response: The final EIS fully discloses the expected impacts and safety risks to visitors. Information regarding requirements for firearms use and the skill of involved personnel has been developed for the preferred alternative and added into the description of Alternative B in the final EIS. Additionally, as stated on page 63 of the EIS, the NPS would close areas of the park if needed, providing appropriate notification to visitors.

WH14000 - Wildlife and Wildlife Habitat: General Elk Management

Concern ID: 22443

CONCERN STATEMENT: One commenter questioned what research was conducted prior to 1985 regarding the possibility of an excessive increase in elk population as a result of reintroduction.

Representative Quote(s): **Corr. ID:** 296 **Organization:** *Not Specified*

Comment ID: 95830 **Organization Type:** Unaffiliated Individual

Representative Quote: what research was conducted prior to 1985 regarding the possibility of an excessive increase in elk population as a result of reintroduction?

Response: The planning process that led to the reintroduction of elk to the park included an Environmental Assessment (Proposed Experimental Reintroduction of Elk into Theodore Roosevelt National Park, 1984) which considered many aspects of the park's habitat and other factors (e.g., depredation issues, effects on other wildlife and vegetation, etc.). A multi-agency reintroduction approach of elk to the park

was selected as the preferred alternative with the North Dakota Game and Fish Dept. and U.S. Forest Service participating. A 1985 Memorandum of Understanding among these agencies further stated that this reintroduction would serve as the basis for planning and maintaining a self-sustaining elk population both inside and outside the park.

WH4000 - Wildlife And Wildlife Habitat: Impact Of Proposal And Alternatives

Concern ID: 22444

CONCERN STATEMENT: One commenter stated that the Final Plan/EIS should include an analysis of all the ungulates in the park, and how elk management actions may impact them.

Representative Quote(s): **Corr. ID:** 370 **Organization:** The Wildlife Society - North Dakota Chapter

Comment ID: 95115 **Organization Type:** Conservation/Preservation

Representative Quote: The Final EIS should include a discussion of the relationship of all the ungulates in the South Unit and how that relationship will be impacted by the elk reduction effort.

Response: Ungulates besides elk are discussed throughout the EIS, including in Chapter 3: Affected Environment. Page 139 of the EIS discusses the diet of all ungulates in the park, and their overlap with elk. In addition, page 143 provides more information about other ungulates that could be affected by elk management actions. The analysis of impacts to these ungulate populations is provided in the Other Wildlife and Wildlife Habitat section of EIS chapter 4. Additional information has been incorporated in response to this comment.

LETTERS TO BE INSERTED HERE



North Dakota Chapter

THE WILDLIFE SOCIETY

P.O. BOX 1442 • BISMARCK, ND 58502



March 17, 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645

**Re: Elk Management Plan and Draft Environmental Impact Statement,
Theodore Roosevelt National Park**

Dear Superintendent Naylor:

This letter is provided in regard to the National Park Service request for comments on Draft Environmental Impact Statement (DEIS) for the management of elk within the south unit of Theodore Roosevelt National Park (TRNP). The North Dakota Chapter of The Wildlife Society (Chapter) appreciates the Park Service's willingness to seek public input and provide the opportunity to comment on this important issue. Our Chapter supports the Park Service's efforts to manage the elk population at TRNP compatible with its other resources.

We have reviewed the DEIS and the alternatives selected for elk herd management, and provide the following comments.

The six specific alternatives presented represent a range of options to evaluate and accomplish the goal of elk herd reduction. In addition there is adequate explanation of limitations and reasoning for not acting on other options. Our comments consider the unique conditions and integrity of the TRNP, and are based in principle upon the proven tenets of the North American Model of Wildlife Conservation (NAMWC). The seven components of the NAMWC are as follows: (1) wildlife must be managed as a public trust resource, (2) elimination of markets for wildlife, (3) the allocation of wildlife by law, (4) wildlife can only be killed for legitimate purposes, (5) wildlife are considered a national and international resource, (6) science is the proper tool for discharging of wildlife policy, and (7) opportunity for all and the democracy of the hunt. Much of this model is based upon the writings of the founder of the National Park Service and the namesake of the park, President Theodore Roosevelt.

The south unit of TRNP is an administrative unit surrounded by private and public lands. Elk move into and out of the park. The proposed desired condition of a "lightly grazed system" in TRNP recognizes the need to balance use by all animal groups using the grassland ecosystem. Since the proposed elk herd goals are predictive and the resulting

Dedicated to the wise use of all natural resources

impacts need to be ratified by experience and testing the results, we believe that the studies and discussion presented support the conservative goals of 100 minimum to 400 maximum set out in the DEIS, and are suitable for testing this management plan during the proposed project plan life of 15 years. The effectiveness of these goals will be identified through careful monitoring and management as described in the DEIS.

We have reviewed the alternatives presented in the DEIS. Alternative B, Direct Reduction with Firearms, and Alternative C, Roundup and Euthanasia, have proven track records at the park and in other circumstances, giving credibility as realistic alternatives. Alternative D, Testing and Translocation, is not a viable option because there is currently no definitive live test for Chronic Wasting Disease (CWD) in elk. Alternative E, Hunting Outside the Park, does not seem practical due to the difficulties in obtaining landowner and agency acceptance, and the lack of experience in accomplishing this type of action.

Based on our review, we believe that Alternative C, Roundup and Euthanasia is the best alternative to accomplish the TRNP elk management objective and should be selected as the preferred alternative. The Park Service has experience in conducting this type of operation, it is the most efficient and timely of all the alternatives, and it minimizes complications with the unknowns associated with other alternatives such as weather delays, carcass removal issues, access to elk in badlands topography, adjacent land owner acceptance, and length of time to accomplish. Further, it allows the most precise opportunity to select which individual animals will be retained or removed from the herd to meet the goals.

As described in Alternative F, fertility control agents would be used for maintenance of the elk herd once the initial herd reduction has been accomplished. As described in the DEIS, this Alternative would be used if and only when suitable agents are developed that meet the criteria detailed in the DEIS. Currently the use of immunocontraceptives is not a viable option for use on the elk herd and until research proves that acceptable agents and delivery systems are available, the Park Service should not consider this Alternative as a management tool. Should new research be developed that makes this Alternative more viable, close coordination with the North Dakota Game and Fish Department and the North Dakota Board of Animal Health will be necessary to assure that any future proposed use is within state regulations and accepted science.

A timely and efficient initial reduction in elk numbers will lessen the chance of dispersing elk on to private land and causing problems for neighboring ranchers. To the extent it is compatible with the stated goals, bulls should not be put down, but released back into the park. By focusing the reduction on the female segment of the population, excess satellite bulls will likely continue to wander out of the park, thereby giving hunters the opportunity to have access to harvest these animals. Between 1999 and January 2007 only eight to sixteen cows were harvested annually outside the park. Therefore, it is our opinion that an initial reduction of cows from the park may have minor influence on hunting opportunities outside the park. It would seem that there will be an opportunity to experiment with managed sex ratios through reduction alternatives.

A discussion of the pretreatment ratios and the logic and proposals for ratios in the planned reduction goals (100-400) should be included in the FEIS.

Additionally, the reproductive performance of cervids varies with age and condition. Younger females tend to produce more female calves than older females. Therefore by selectively removing younger cows, particularly calves and yearlings and releasing the older cows the fecundity of the herd may be reduced from 0.6 female calves per cow to perhaps 0.4 female calves per cow (Clutton-Brock et al. 1982. Red Deer: behavior and ecology of two sexes. University of Chicago Press, Chicago, IL, Table 8.1). It should be noted that red deer and elk are the same species (*Cervus elaphus*). This drop in fecundity could further limit the growth rate of the herd and the frequency and scope of future management actions.

The section on Adaptive Management offers flexibility to adapt to changing conditions and new information. Regardless of the Preferred Alternative selected we recommend that the Park Service keep open, though adaptive management all possible options, including the option to use any or parts of the other identified Alternatives in combination to augment or strengthen the selected management action for the elk herd. Adherence to this principle will lead to the most effective management of elk in the TRNP. A discussion of the potential to combine Alternatives should be included in the Final EIS.

Adherence to the federal moratorium on transporting live elk outside the TRNP for release should be maintained. Fischer and Davidson (2005. Reducing Risk Factors for Disease Problems Involving Wildlife. Transactions of the 70th North American Wildlife and Natural Resource Conference. Pages 289-309), identified translocation of native and exotic wildlife, captive propagation of wildlife, and high fence enclosures as three of the top five risk factors associated with the spread of diseases such as Chronic Wasting Disease and tuberculosis in wildlife. It should be noted that Drs. Fischer and Davidson are the director and assistant director of Southeastern Center for Wildlife Diseases at the University of Georgia. In addition to the above mentioned disease concerns, privatization of wildlife, either directly or through secondary actions, runs counter to the tenets of North American Model of Wildlife Conservation. We support the commitment in the DEIS to donate all elk meat to Indian Tribes, non-profit groups, or State and Federal Agencies. This commitment by the Park Service assures the disposition of meat to be used in the stated public interest and not commercially sold. Where practical, the hides and antlers should also be made available to Indian Tribes and other public sources. There should be established agreements with donation recipients that secondary transfers not in the public interests would not be allowed.

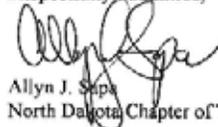
According to the 2005 U.S. census data more than 78,000 North Dakotans live in families below the poverty line (\$12,830 for a two-person household; 2005 U.S. Census data). Recently the North Dakota Community Action Association (NDCAA) conducted a survey of food pantries around the state. When asked how much venison these pantries could use immediately, the result was a staggering 71,000 pounds (or approximately 400 cow elk). The commitment to CWD testing, and the use of non-toxic bullets or

acceptable euthanasia methods should assure that donated meat will meet federal inspection standards.

Commitment to CWD testing for each animal removed from the Park is essential. Additionally, complete biological information stored in these animals needs to be collected and processed. Extremely valuable information such as age specific reproductive performance, growth rates, baseline blood and tissue testing for trace element and disease screenings, genetics, and parasite loads should all be considered for evaluation. The opportunity to collect such a complete set of information on this species should not be lost. We recommend that the Park Service coordinate with agencies and organizations interested in elk health to identify opportunistic health data needs, and to the extent practical, incorporate the collection of that information during the herd reduction at the TRNP.

Thank you for this opportunity to participate in the process. We hope our comments are viewed as constructive and will lead to a long term solution to Elk management at TRNP.

Respectfully Submitted,



Allyn J. Sepa
North Dakota Chapter of The Wildlife Society

*The North Dakota Chapter of The Wildlife Society is a state chapter of parent The Wildlife Society. Our membership is made up of over 300 wildlife professionals and natural resource specialists. Our mission is to provide a forum for discussion of ecological issues, enable our membership to pursue conservation of North Dakota's natural resources, and provide scientifically sound information concerning the wise use of natural resources in support of a conservation ethic.

Specific comments for inclusion in the FEIS:

P. iv. Preferred and Environmentally Preferred Alternative. An explanation of how the Park Service will use the comments received to identify the Preferred and Environmentally Preferred Alternative should be included in the FEIS.

P. 17. The Final EIS should include a discussion of the relationship of all the ungulates in the South Unit and how that relationship will be impacted by the elk reduction effort.

P. 49. An explanation of the logic and benefits for leaving carcasses in the field should be included.

Alternative Methods: In each of the Alternatives that require more than one season to accomplish, the Park Service should evaluate the complication for achieving the objective by the increase in difficulty from elk learning to avoid the management action, and the reduced opportunity associated with smaller herd numbers in each succeeding year.

Alternative B, Direct Reduction by Firearms. Remove the restriction that the management actions can only be conducted during daylight hours. Based on the experience of the sharpshooters, equipment available, and the difficulties associated with collecting the animals, all practical techniques should be on the table.



North Dakota Office
311 E Thayer Ave. STE 113
Bismarck ND 58501
701-530-9288 fax 530-9290

March 19, 2009

Superintendent
Theodore Roosevelt National Park
P.O. Box 1
Medora, ND 58645-0007

Re: Draft Elk Management Plan

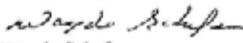
Dear Superintendent,

I am writing on behalf of Dakota Chapter of the Sierra Club (Chapter) regarding the Draft Elk Management Plan/Environmental Impact Statement (Plan). The Chapter has been actively involved in Theodore Roosevelt National Park (Park) management issues for many years. Our members often recreate at the Park, both individually and as a group. The Chapter is opposed to any final management alternative that allows public recreational hunting in the Park. Public recreational hunting within Park boundaries is incompatible with other historic and sanctioned uses in the Park and is inconsistent with existing laws, policies, regulations, and case law regarding public hunts in units of the National Park System. The assurance of visitor safety would be severely compromised if hunting within the Park was included as part of the proposed elk management plan. Families trying to enjoy the Park as they have since its inception should not have to deal with the increased traffic and noise associated with hunting activities or worry about dodging an errant bullet shot from miles away. Right now the Park serves as a place for the non-hunting public to enjoy the outdoors without encountering the hunting activities found on the surrounding Little Missouri National Grasslands. Any curtailment of Park visitation in order to facilitate recreational hunting is wholly unacceptable. The Chapter is also very concerned about the precedent, with regards to other national parks, that would be set if public recreational hunting is allowed within the Park.

The Chapter supports **Alternative D: Testing and Transition**. This alternative will meet the objectives of reducing elk numbers and maintaining a viable population while assuring quality visitor experiences and adhering to existing laws, policies, and regulations.

Thank you for the opportunity to comment on this proposal.

Sincerely,


Wayde Schries
Regional Representative
Dacotah Chapter of the Sierra Club
311 East Thayer #113
Bismarck, ND 58501
(701)530-9288



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202 South Black Avenue, Suite 3
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Steve.Farrcut@wwf-us.org
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Theodore Roosevelt National Park
Draft Elk Management Plan/Environmental Impact Statement
Attn: Document ID=25353
P.O. Box 7
Medora, ND 58645-0007

Submitted via:

<http://parkplanning.nps.gov/commentForm.cfm?parkID=167&projectID=10833&documentID=25353>

March 9, 2009

Dear Superintendent:

On behalf of World Wildlife Fund's (WWF) 1.1 million members nationwide, we thank you for the opportunity to comment on the Theodore Roosevelt National Park Draft Elk Management Plan and Environmental Impact Statement (Plan/EIS). WWF is a non-profit organization dedicated to the conservation of biodiversity using the best available scientific knowledge and working at all levels from local to global to effect conservation goals.

WWF recommends that the Park utilize other methods besides hunting to control its elk population in Theodore Roosevelt National Park (TRNP). While WWF does not oppose regulated hunting, hunting within TRNP, as in all National Parks, raises considerable concern due to the profound effects it will have on visitor experience, "commodification" of park resources, and effects on the genetic trajectories of the elk themselves. For example, recent work has highlighted that in typical hunted populations large reproductive animals are selected for, are physically smaller, and reproduce earlier than populations which are culled under random selection processes (Darimont et al. 2009). Hunting has historically been regarded as counter to the National Park Service's guiding principles (<http://www.nps.gov/aboutus/mission.htm>) for these and other reasons. The National Park Service's mission is "to preserve and protect the natural resources, processes, systems, and values of units of the national park system in an unimpaired condition to perpetuate their inherent integrity and to provide present and future generations with the opportunity to enjoy them." (National Park Service 2006). TRNP follows general National Park Service (NPS) policy states that "all wildlife is protected in the park and cannot be hunted, fed or harassed," which was established at a time when the pressure from special interests was much more demanding than in today's society.

Given the broad range of alternatives available for managing TRNP's elk population, we see no valid reason for lethally removing elk from the park with firearms (i.e., alternative B). We recommend that testing of Chronic Wasting Disease be completed and reviewed so that translocations can be reinstated (alternative D) in lieu of controversial hunting of elk within TRNP boundaries. We also recommend the



NPS instate the following actions: (1) continue elk and vegetation monitoring; (2) continue searching for elk hunting opportunities outside of TRNP (i.e., alternative E); and (3) Update the 1993 forage-allocation model with recent data collected (i.e., beginning in 2000) by the NPS and U.S. Geological Survey on the TRNP elk population to assess the influence of elk on native plant communities. Doing so would also address the plan/EIS's speculation that "larger populations of elk could, over the long-term, negatively affect plant communities and other resources as a result of overgrazing. Large elk populations could also negatively affect other herbivores present in the South Unit by competing for forage".

The policies of the NPS reflect the public's desire to see a semblance of the natural world. There are virtually no other protected areas in North Dakota where elk occur and can be observed by the public for their enjoyment, and that exist in a near natural state, other than in TRNP. We recommend that TRNP honor the responsibility it has to maintaining and protecting wildlife in TRNP.

We further ask that if the TRNP selects Alternative B, that hunting be zoned away from core elk refugia within the Park (closed areas) and well away from places where visitor conflicts might arise.

We thank you for the opportunity to comment. Please contact us if you have any questions.

Sincerely,

Steve Forrest
Manager of Restoration Science

Kristy Bly
Program Biologist

Literature Cited

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National Park Service. 2006. National Park Service Management Policies. 167 pages.

March 19, 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
Box 7
Medora, North Dakota 58645
Fax: 701-623-4840

Re: **Comments on Draft Elk Management Plan and Environmental Impact Statement for Theodore Roosevelt National Park**

Dear Superintendent Naylor:

Safari Club International and Safari Club International Foundation (SCI and SCIF) submit these comments in response to the Draft Elk Management Plan and Environmental Impact Statement (Plan) for Theodore Roosevelt National Park (TRNP). SCI and SCIF strongly recommend that the NPS adopt "Alternative B: Direct Reduction with Firearms" as the Plan's preferred alternative and that the NPS utilize the participation of qualified volunteers to carry out the direct reduction of elk with firearms. SCI and SCIF have significant concern that the draft planning documents made available for public review and comment suggest that TRNP and the National Park Service (NPS) are relying on inaccurate information in their evaluation of the role that the hunting community can play in wildlife management on this park and others within the National Park System.

Safari Club International and Safari Club International Foundation

Safari Club International, a nonprofit IRC § 501(c)(4) corporation, has approximately 55,000 members worldwide, including many who live in the areas surrounding Theodore Roosevelt National Park and/or recreate within and in areas surrounding the park. These members are qualified to assist as volunteers and agents of the NPS and/or the state of North Dakota in the effort to reduce the park's elk population. SCI's missions include the conservation of wildlife, protection of the hunter, and education of the public concerning hunting and its use as a conservation tool. Safari Club International Foundation is a nonprofit IRC § 501(c)(3) corporation. Its missions are to fund and manage worldwide programs dedicated to wildlife conservation, outdoor education and humanitarian services. SCI and SCIF are currently participating in litigation in federal court in Colorado to defend the participation of qualified volunteers in the cull of elk on Rocky Mountain National Park. In addition, we have reviewed and commented on this issue in several National Park Service wildlife management plans throughout the country.

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The Legality of the Participation of Qualified Volunteers in National Park Service Wildlife Management

SCI and SCIF recognize that the NPS has concluded that its regulations and policies make it impossible for the park to utilize regulated hunting to reduce the park's elk population. Although SCI and SCIF dispute that this application of law and policy is the wisest use of available conservation and management resources, SCI and SCIF will focus their review of the Plan on the NPS's assessment of the participation of qualified volunteers in managing the elk population on TRNP.

The drafters of the TRNP Elk Plan appear to correctly recognize that the use of qualified volunteers as sharpshooters would not constitute a "hunt" and would not violate any statutes, regulations or policies applicable to National Parks. As SCI and SCIF, together with other sportsmen's organizations, wrote to then NPS Director Mary Bomar on March 19, 2007:

We believe that the National Park Service can use qualified hunters to help manage park wildlife, in methods similar to those that the Service has implemented through its own staff or through contract sharpshooters. The use of qualified members of the hunting community can be supported ecologically, economically, socially, politically and legally. It will also help the Service fulfill its obligations to protect park resources and property, particularly where overpopulation unguilates have destroyed habitat for other wildlife species.

In support of that recommendation, SCI and SCIF provided Director Bomar with a legal analysis of why members of the hunting community may assist in reducing overabundant wildlife populations on national park lands. That analysis included the following points:

1. Nothing in the statutes, regulations and policies that establish the authority of the National Park Service prevent the NPS from utilizing members of the hunting community to assist an individual park and/or the state wildlife management authority in managing, culling or reducing an overabundant wildlife population on park land, much as the NPS has used professional sharpshooters.
2. The National Park Service Organic Act grants the Secretary of the Interior the authority to provide "in his discretion" for the destruction of such animals or such plant life as may be detrimental to the use of any of said parks, monuments, or reservations. 16 U.S.C.A. § 3.
3. The regulations that the Secretary of the Interior has promulgated for the purpose of administering the National Park System do not prohibit the

Secretary or a Park Superintendent from managing a park's overabundant wildlife using individuals from the hunting community as a wildlife management resource. Although there are regulations, such as 36 C.F.R. § 2.2, that restrict hunting activities on NPS lands, those rules do not apply here. The NPS has pertinent regulations that permit the NPS and its agents to conduct activities necessary to counteract threats to park resources. For example, 36 C.F.R. § 1.2 specifically states that

(d) The regulations contained in parts 2 through 5, part 7, and part 13 of this section shall not be construed to prohibit administrative activities conducted by the National Park Service, or its agents, in accordance with approved general management and resources management plans, or in emergency operations involving threats to life, property or park resources.

4. Similarly, NPS Management Policies do not prevent the NPS from utilizing qualified volunteers – most often members of the hunting community – as agents of the NPS or state wildlife management authority for a culling (e.g., non-hunting) operation. For example, policy provision 4.4.2.1, entitled "NPS Actions That Remove Native Plants and Animals" acknowledges the Service's use of "others to remove plants or animals" but does not restrict the term "others" to include only paid sharpshooters. The same policy provisions recognizes the use of "destruction of animals by authorized agents," but does not restrict the term "authorized agents" exclusively to individuals who are paid for their sharpshooting skills.
5. Members of the hunting community should not be excluded simply because they are willing to volunteer their services to assist the NPS in wildlife management and because they are willing to dispose of their take either through personal use or through donation to charities that feed the hungry. Paid sharpshooters are not the only individuals available who have the sharpshooting skills to efficiently take members of the park's overabundant deer population. These volunteers can be managed by NPS personnel or alternatively personnel from the state wildlife management authority. It is fiscally irresponsible to ignore this valuable wildlife management resource that could potentially save the NPS and the state millions of dollars.

An Inaccurate Assessment of the Costs of Lethal Management

Although the drafters of the TRNP Plan agree with SCI and SCIF that the participation of qualified volunteers including individuals from the hunting community, constitutes a legally supportable strategy for wildlife management on the park, SCI and SCIF perceive inappropriate resistance in the Plan to this strategy. This resistance is

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demonstrated in the unrealistic cost analysis that the drafters apply to lethal removal strategies and to the participation of qualified volunteers in this proposed alternative.

For "Alternative B: Direct Reduction with Firearms" the Plan's drafters project exorbitant per elk removal costs of \$500 for the first five years and \$550 for the remaining ten years of the plan's duration. It appears that this estimate assumes that lethal removal will be conducted by NPS personnel and/or independent contractor sharpshooters. SCI and SCIF see no reasonable documentation in the plan to justify these per elk estimates. It also appears that the NPS assumes that the utilization of qualified volunteers will add to this cost, rather than reduce it.

Research on lethal removal of wildlife with the assistance of qualified volunteers demonstrates the strategy to be safe, efficient and economical. For example, data collected by the New Jersey Department of Fish and Game reveals that the use of volunteers, even when compared to professional sharpshooting contractors, is an efficient and cost-effective population reduction tool. For the last 13 years, the State of New Jersey has been using volunteers from the hunting community for deer management. On Watchung Reservation in Union County New Jersey, hunting has been prohibited since at least 1900 and the deer population has risen significantly, resulting in damage to vegetation and increased vehicle accidents on the roads surrounding the Reservation. In 1994, the County established a program using qualified volunteers from the hunting community to reduce the deer population. Volunteer hunters qualify for the program via a marksmanship test and are stationed in predetermined locations in the Reservation. Deer are pursued over bait. In the first year of the program, over a four day period, 92 volunteers removed 88 deer. The program has continued in every year but 2002, with similar success. During 2006-2007, 12 qualified volunteers from the hunting community removed 70 deer during 2 days. The cost per deer removed in 2006-2007 was between \$55 and \$65. The per deer costs are attributable almost entirely to butchering fees. The program has resulted in thousands of pounds of venison going to food banks. Volunteers who participate at least one and one half days in the program are given 20 lbs of venison in recognition of their efforts. Further information about this project and New Jersey's Community Based Deer Management Program, is available from the New Jersey Department of Fish and Game. <http://www.njfishandwildlife.com/cbdmp.htm>.

The success of the Watchung Reservation effort has prompted New Jersey to institute a similar program in Essex County at the South Mountain Reservation, using 15 qualified volunteers from the hunting community. By comparison, other New Jersey Townships have opted to pay contract sharpshooters to reduce their deer herds. Their costs are significantly higher than the \$55 to \$65 per deer being paid at the Watchung and South Mountain Reservations.

SCI and SCIF acknowledge that there are likely to be differences between elk culling in TRNP and deer culling on public lands in New Jersey. Nonetheless, the evidence compiled by those who have operated culls of wildlife using qualified volunteers demonstrates costs far less than those projected by the drafters of TRNP's

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Plan. SCI and SCIF highly recommend that TRNP consult with Daniel J. Bernier, Director of the Union County Division of Park Planning and Maintenance, who developed Union County's Deer Management Program for Watchung Reservation. Rather than offer projections based on conjecture, the drafters of TRNP's Plan should consult with those who have an expertise in successfully operating culls utilizing the participation of qualified volunteers.

Fundamental Errors in the Cost Analysis for the Participation of Volunteers

SCI and SCIF note that the drafters of the TRNP plan saw fit to prepare and include a special Appendix "D" to demonstrate the "additional costs associated with using skilled volunteers." The fact that the NPS chose to analyze in detail the cost of a strategy not devoted to any of the Plan's other proposed alternatives suggests that the Plan's drafters are purposefully isolating the participation of volunteers and documenting a basis for rejecting this strategy, even before giving the public the opportunity to comment. If the Plan is to be a fair examination of alternatives, the costs of other strategies should be subjected to similar scrutiny.

The fact that the NPS devotes such scrutiny to the costs associated with the participation of qualified volunteers does, however, reveal some of the questionable assumptions upon which the drafters' estimates are based. For example, SCI and SCIF question whether it is realistic to assume that TRNP's Public Relations Officer will be required to devote half his or her time for approximately 1/3 of the year each year, and all of his or her time for two weeks of the year to the participation of skilled volunteers. SCI and SCIF also question the need for Direct Reduction Team Leaders to devote 40 hours per week for 12 weeks each year to this strategy or for Law Enforcement Officers to be needed for 40 hours per week for the 12 weeks that the cull is being conducted. SCI and SCIF are aware that Rocky Mountain National Park has recently conducted its first elk cull using groups consisting of volunteers, NPS personnel and representatives from Colorado's Wildlife Division. These teams participated in culling operations for a limited number of hours, each day before the majority of visitors arrived at RMNP. At RMNP, the culling teams, including NPS personnel, hardly devoted full days, let alone full weeks, to these culling activities. At most, the culling activities consumed a few hours of each NPS's employee's work week. SCI and SCIF conclude that the personnel costs projected by the drafters of TRNP's plan are tremendously overblown by comparison to the way a cull is actually conducted on a National Park.

In addition, the analysis does not make clear whether and to what extent North Dakota's state personnel and budget will contribute to this effort. The way Appendix D is drafted makes it appear that NPS personnel will be handling this effort independently. That scenario ignores, for example, the role that the Colorado Division of Wildlife played in the RMNP elk culling effort – in training, supervision etc. Without considering the costs and responsibilities assumed or absorbed by state participation, TRNP's plan is not based upon a realistic analysis of the strategy.

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Perhaps the most egregious flaw in the cost assessment is that the analysis fails to take into account the fact that volunteers will replace paid sharpshooters and NPS personnel, both in the actual take of the elk and in retrieval and removal of elk carcasses. If volunteers participate, the NPS will not have to pay independent contractors and will require far less NPS personnel time for the culling activities. The failure to acknowledge this savings undermines the credibility of the entire cost analysis.

Abrupt Introduction of Non-lead Ammunition Policy

Without considering alternatives, the Plan appears to mandate the overall use of non-lead ammunition for elk management. SCI and SCIF are aware of a recent News Release from the National Park Service announcing the agency's decision to adopt a system-wide policy for the use of non-lead ammunition. The NPS announced this policy without formal notice or an opportunity for public comment, and without discussion of alternatives. The attempt to implement this policy in the TRNP Plan, without giving the public the opportunity to consider alternative strategies and to comment on this issue is an inappropriate use of this wildlife management plan. SCI and SCIF therefore strongly recommend that either the NPS conduct a more formal public notice and comment process before attempting to adopt this approach system-wide, or that within individual plans the NPS address this strategy as an alternative, rather than a foregone conclusion and allow the public to consider and comment on a variety of alternatives to this strategy.

Inconsistent Approach to "Humane" Wildlife Management

SCI and SCIF also question the Plan's reference to "Humane Management Actions" dictated by the American Society of Mammalogists' guidelines. The Plan offers no indication as to why the NPS has adopted these specific principles. To SCI and SCIF's knowledge, the NPS policies do not refer to these guidelines. SCI and SCIF would caution the drafters of this plan against arbitrary reliance upon guidelines that have not been vetted for NPS use by the public. At the very least, SCI and SCIF recommend that the NPS specify, in detail, the elements of the guidelines upon which the drafters intend to rely.

SCI and SCIF have commented recently on several different wildlife management plans for National Parks, including Catoctin Mountain National Park and Rocky Mountain National Park, each of which has offered its own unique reference to "humane" lethal removal strategies. Since opinions differ on what constitutes "humane" treatment of wildlife, SCI and SCIF are concerned that the lack of specificity could make it easy for the mindset of some - potentially those who know little to nothing about wildlife or wildlife management - to dictate the manner in which the NPS reduces overpopulations of elk on TRNP lands. The inconsistency of the NPS approach makes this issue vulnerable to arbitrary application of this subjective principle for wildlife management.

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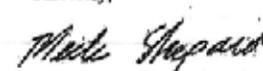
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In summary, SCI and SCIF recommend that the NPS adopt Alternative B as the preferred alternative, utilizing the participation of qualified volunteers in the lethal removal of TRNP's elk. In addition, SCI and SCIF strongly recommend that the NPS correct its unrealistic and groundless estimate for the cost of utilizing qualified volunteers and that the NPS conduct important research, based on consultation with those operating such programs, to best determine the most accurate costs for carrying out such strategies.

Please contact Anna Seidman (aseidman@safariclub.org), or Doug Burdin (dburdin@safariclub.org), or at 202-543-8733, if you have any questions or we can provide any further assistance.

Sincerely,



Merle Shepard
President,
Safari Club International
Safari Club International Foundation

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National Parks Conservation Association

March 18, 2009

Superintendent Valerie Naylor
P.O. Box 7
Medora, ND 58645-0007

Dear Superintendent Naylor:

On behalf of the National Parks Conservation Association, we appreciate the opportunity to comment on the THRO Draft Elk Management Plan/Environmental Impact Statement (dEIS). Since 1919, NPCA has been the leading voice of the American people in protecting and enhancing our National Park System, working together with our 340,000 members to preserve our nation's natural, historical and cultural heritage for our children and grandchildren. NPCA has a longstanding interest in issues involving management of park wildlife, both inside national parks and on adjacent lands, and we are particularly interested in the successful resolution to the management issues surrounding THRO elk.

NPCA understands the seemingly poor options that the THRO is left with to address an apparent abundance of elk, coupled with significant habitat challenges and the looming threat of CWD. While we do not believe that any of the described alternatives B-F fully upholds NPS policy and regulations, we do agree with the science-based conclusions that the park's elk population in the south unit has exceeded ecological carrying capacity and agree that action is warranted.

NPCA believes that as a temporary measure, the targeted culling of elk within THRO, managed by the NPS and carried out by qualified federal employees and authorized agents, for the purposes of reducing ecological impacts on other park resources, must only be done when coupled with a longer term plan that will eliminate the need for such in-park culling activity. We do not believe any of the action alternatives clearly addresses these concerns.

Elimination of Public Hunting as an alternative

NPCA supports the decision to eliminate public hunting as an alternative for further consideration. We believe that such a decision would be inconsistent with NPS-related laws, policies, regulations and case law regarding public hunting in national parks.

Adaptive Management

NPCA supports the plan's commitment to using adaptive management as a tool to guide future action and management by the NPS. We believe this is especially critical as it relates to gaining an accurate understanding of range condition, accurate population and growth rate estimates and to assure that management actions are having the desired beneficial effect on other park resources.

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Theodore Roosevelt
National Park

Reasonable range of Alternatives

NPCA does not believe that THRO provided the public with a reasonable range of alternatives from which to review proposed actions and environmental impacts. All action alternatives focused almost exclusively on treating the symptom of the problem—high numbers of elk, without rigorously exploring or addressing the actual problem itself—lack of adequate seasonal and year-round habitat. All action alternatives proposed varying ways to remove a significant portion of the elk population over the lifetime of the project, while ignoring the long-term challenges associated with managing this elk population.

NPCA agrees with the THRO determination regarding carrying capacity within the south unit, but we believe that the NEPA document failed to address the heart of the issue and instead relied exclusively on removing animals from the population. As a result, we believe that THRO has failed to meet NEPA's requirements to thoroughly examine a reasonable range of alternatives. We therefore request that the final NEPA document incorporate the following elements into a stand alone alternative or within one or more of the action alternatives:

1) Commitment to securing additional elk habitat on adjacent U.S. Forest Service lands.

We are aware that NPS is party to an MOU with the Forest Service and NDGF, and are also aware that the USFS has accepted a request to act as a cooperating agency for this EIS. The USFS commitment in the MOU states: "Strive to achieve and maintain the desired future condition of Grasslands as defined in the Grassland's Plan, while taking into consideration the ecosystem capabilities and natural variability of the area." While we do appreciate that ongoing conversations and collaborations with the USFS over the years on this issue, neither the MOU nor the apparent cooperating agency status as part of this EIS seem to have resulted in significant action on the Forest Service's part that would lead to accommodation of additional elk on USFS lands. Further, the dEIS discloses that the condition of the USFS range is not where the agency would like it to be, primarily because of livestock grazing. NPCA believes that it is essential for THRO and USFS to identify and take steps necessary to make additional USFS habitat available to the elk population as an essential component of a long-term elk management plan.

Clearly, conservation of this unique wildlife population is an item of critical significance for both agencies. As part of an alternative that provides for the overall long term health of this elk population, we request that NPS and USFS commit to developing a long term habitat restoration and management plan that will result in unimpeded access and habitat availability to THRO elk on USFS lands.

2) Consider re-establishment of elk on northern park unit

The dEIS dismisses relocation of elk from the southern unit to the northern unit, reasoning that it would simply create additional problems for THRO on the north end. Instead of viewing a healthy and abundant elk population as a liability, NPCA urges NPS to handle the elk population as an asset, and as NPS is required to do.

We strongly urge your consideration of relocation to the north unit. Regardless of where the elk are located, THRO is confronted with a long-term management challenge. In the short term, it is critical that the park identify additional available habitat first within its own jurisdiction to provide non-lethal alternatives for portions of the south unit elk. As with the south unit, we believe that a thoughtfully considered long-term plan for elk in the north unit will help assure

that all of the park's resources are protected and that elk are rightfully restored to another small portion of their historic range.

3) Adjacent landowners and local authorities

We encourage NPS to explore opportunities to collaboratively work with private landowners and local authorities adjacent to the park to identify opportunities to provide elk habitat on private ground. While we are familiar with the controversy surrounding this idea and the already existing concerns of park neighbors over crop damage, we believe that ongoing conversations could be beneficial over the long term. Though we believe NPS should cooperate with adjacent landowners and explore future opportunities to collaborate on private land, we recognize that there are limitations of NPS jurisdiction with respect to private property. We therefore understand that any collaboration would be with willing partners, and strongly encourage NPS to pursue that course of action.

4) Hunting outside the park as a means of controlling populations

NPCA supports the use of hunting as a management tool outside park boundaries. The dEIS discusses NDGF efforts to increase hunter harvests on adjacent lands, and we believe that this continues to be an effective tool in controlling elk numbers. Based on harvest levels disclosed in the dEIS, it appears that the hunt would be more effective at reducing elk numbers if it more specifically targeted the female portion of the population.

5) Culling on a temporary basis

In order to protect other park resources, NPCA supports the use of in-park culling as a means to bring elk numbers back to within the carrying capacity of up to 400 elk in the south unit, as described by the science team in Appendix A. As described in Alternative B, NPS should be the sole authority managing the cull, and it must be carried out by qualified federal employees and authorized agents, as described in Alternative B. We note that this culling activity *must* be coupled with the above-described commitment to developing a long-term plan to provide additional habitat for elk on park-adjacent public and private lands that will eliminate the annual need for a cull within park boundaries. Failure to commit to such a plan and to exclusively rely on killing elk as a means to achieve ecological carrying capacity equates to a failure to exhibit leadership, protect all park resources and to fully comply with all applicable NPS laws and regulations.

Conclusion

On behalf of the National Parks Conservation Association, I thank you for the opportunity to comment on the THRO Elk Management Plan and dEIS. We appreciate the extreme difficulties associated with this management challenge. We request that THRO uses this plan as an opportunity to protect all park resources for both the short and long term and that THRO commit to creative thinking on this issue resulting in a plan that addresses the core issue that heretofore has not been addressed: the need to restore and make available additional habitat for elk outside of the south unit. The solution to the current dilemma lies not in further shrinking the remaining remnant wild values in this NPS unit, but rather in taking decisive strong steps to restore natural rhythms to the park and adjacent lands and providing the full complement of habitats necessary to sustain wild and free-roaming herds of animals in the region. While this is a more difficult road, it is also a road that best aligns with the NPS mission and legal mandates that direct NPS actions and decisions.

National Parks Conservation Association
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On behalf of the National Parks Conservation Association, we thank you for the opportunity to comment. Please do not hesitate to contact one of us directly if you have additional questions or need any clarification.

Sincerely,

Lynn McClure
Director, Midwest Regional Office
Midwest Regional Office
National Parks Conservation Association
8 South Michigan Ave.
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Tony Jewett
Senior Director, Regional Operations
Northern Rockies Regional Office
P.O. Box 824
Helena, MT 59624

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Tami L. Norgard

Phone: 701.356.6339 | Fax: 701.337.0847 | tnorgard@vogellaw.com

March 19, 2009

VIA EMAIL: thro_forum@nps.gov

Theodore Roosevelt National Park, Superintendent
P.O. Box 7
Medora, North Dakota 58645

The Vogel Law Firm has been retained by Billings County to submit comments on the United States Department of the Interior National Park Service Draft Elk Management Plan/Environmental Impact Statement: Theodore Roosevelt National Park. The South Unit of the Theodore Roosevelt National Park (TRNP) is located within Billings County. The extreme overabundance of elk being maintained by the National Park Service (NPS) has occasioned a significant negative impact on property owners within the vicinity of the TRNP.

Immediate, Aggressive Action is Needed

Forty-seven elk were introduced into the TRNP in 1985 to provide for enhanced visitor experience. An EIS study reports that the TRNP elk reproduction and survival rate is the absolute highest recorded for any elk herd followed. The EIS 'science team' suggested this elk herd population would remain viable if the elk population were reduced to fewer than 100 animals. The NPS adopted a target population of between 100 and 400 elk as the target population. Given the level of depredation on private farmers and ranchers and the high reproduction and survival rate of TRNP elk, Billings County strongly urges the NPS to reduce the target level of elk within the TRNP to no more than 100. The 100-400 number is too vague and lacks a sufficient hard trigger to require immediate action to control elk population.

Billings County questions the accuracy of the elk population number, estimated at 900 elk. The EIS timeline only reports the elk census through 2000, otherwise discussing a 'current' elk population of approximately 900 elk, without any reference of whether that number was observed in the park in 2005, 2007 or whether 'current' means 2009. Within the next few months, the elk numbers will likely jump by another 60% or more to account for spring calving. The Final EIS must disclose the historic annual elk census since 2000 and give the most current elk numbers as of the date of the Final EIS. Further, the EIS does not identify whether the 900 elk population number counts only elk found within the TRNP boundaries, or whether it includes the vast population of elk that reside on private and public lands outside the TRNP. Billings County assumes that the stated elk population reflects the number of elk located within TRNP boundaries on the date of a census. Again, more

Theodore Roosevelt National Park, Superintendent
March 19, 2009
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information should be included in the Final EIS to accurately portray the elk numbers both inside and outside the TRNP. NPS may claim that it is only charged with managing elk within the TRNP, so it does not need to identify the population outside of the TRNP, nor discuss the level of depredation outside the TRNP. Yet, since one of the alternatives considered to reduce the TRNP elk population is simply to chase the elk herd outside the TRNP boundaries and let private landowners deal with the resulting problems, NPS must fully disclose the current population and level of depredation outside the TRNP to adequately inform the public and take a hard look at the impacts of the alternatives on the human environment. In the interests of full disclosure, the final EIS must include the annual census numbers for each of the past 9 years. With elk reproduction causing populations to double every 3-5 years, one can assume that the population will significantly exceed 900 elk by the time of the Final EIS. With the current inflated population and high reproduction and survival rate, it should be evident that a 'no action' alternative is not an option for this EIS. 'No Action' would be devastating to the private farmers and ranchers, as well as the economic base of Billings County in the foreseeable future.

Billings County is quite frustrated with the NPS's public information process for this EIS. The NPS refuses to identify a preferred alternative in the Draft EIS. Much more meaningful public comments would be generated if it was evident which alternative the NPS was inclined to recommend. Otherwise, once the Final EIS is complete, there is limited opportunity to comment on the document and effectuate meaningful participation. Further, Billings County was very disappointed with the public hearing process. The NPS refused to allow any members of the public to actually voice opinions publically on the EIS. Instead, commenters were required to individually meet privately with NPS officials, which deprived the listening public of an ability to hear other comments and concerns about the EIS. There was no legitimate reason given for stifling the public commentary in this fashion.

The NPS Must Significantly Reduce Elk Numbers Immediately

Billings County does not believe the NPS or the ND Game and Fish are living up to the commitments they made when originally reintroducing elk into the TRNP. The NPS made the following commitment regarding elk management: To "periodically reduce the herd when the numbers of elk exceed the limits of established THRO objectives." Also, to "Attempt, through herd reduction and fence maintenance, to limit the egress of elk from TRHO." (2003 MOU at IV.) The maximum elk capacity within the TRNP was established at 360 elk, yet clearly the elk population exceeded that number long ago, without any action taken by NPS to reduce the herd population per their commitment. The NPS has been dilatory in improving and maintaining fences, despite repeated demand and notice from private landowners. In short, NPS has not been a good neighbor.

The NDGF committed to managing the elk while they were not within TRNP boundaries and also committed to "provide reasonable mitigation measures to alleviate damage if significant depredation and/or damage occurs on private lands adjacent to TRHO." (2003 MOU at III.) In the EIS, the NPS suggests that the NDGF maintains a Big Game Fund to reimburse private landowners for

damages caused by wildlife, but no mention is made regarding whether that fund has provided payments to Billings County ranchers and farmers for damage done by the NPS's elk. Billings County is not aware of any payments made by the NDGF to private landowners for fences, crops and feed stocks damaged by elk. Rather than simply make a blanket statement that there is a fund available and administered by NDGF in some amount, the Final EIS should bullet out precisely how much has been and will be paid to private landowners in the case of depredation of elk over the past 10 years, which will give more information to private landowners regarding what they can expect under the various alternatives.

This is particularly important since the NDGF advises Billings County that they have no authority to provide monies from any such fund to pay farmers for damages occasioned by elk. Accordingly, it is curious what the EIS is referring to with regard to the existing compensation available to landowners. The NDGF confirmed that it does not provide staff or materials to assist farmers and ranchers with the myriad of fences broken by elk. Since one alternative of this EIS contemplates chasing 1,358 elk outside the TRNP boundaries onto private land over the course of 5 years, the EIS should give a more thorough analysis of whether and how private landowners will be compensated for this significant intrusion and the loss of feed, crops and income that will result. The EIS must inform the public of the potential to significantly impact the human environment, yet the NPS fails to provide any information on the current level of depredation and damage that the elk occasion on private landowners, and also fails to forecast the additional level of depredation and damages that is reasonably foreseeable if NPS chases an additional 1358 elk onto private land. As such, the EIS is insufficient.

The NPS has ignored its mandates to appropriately manage elk, which has a negative impact on local farmers and ranchers. Local landowners report to Billings County that NPS's form of management can be surmised as ignoring downed fences in hopes that more elk will leave the TRNP as a manner of preserving the grass and natural resources within the TRNP. The management option pursued to date can most aptly be described as an utter lack of management. This lack of management comes at a great social and economic cost for nearby landowners. Yet, to date, NPS has not attempted to provide any assistance to these local landowners.

While the County undisputedly achieves financial benefits from tourism (about 6% of the economic base of the county), the backbone of the economy and the social structure of Billings County is undoubtedly its local farmers and ranchers. An economic study conducted in 1996 reports that agriculture provided for over 33% of the employment within the County. (See attached "Economic Profile of Billings County," by Bangsund & Leistritz, 1996.) Agriculture provides 35% of the economic base of the County. The largest land use in Billings County is agricultural, with 75% of the land used for livestock grazing and 18% of land for crop production. Elk-related adverse impacts on local agriculture have a direct adverse impact on Billings County, both economically and socially. As local farmers and ranchers suffer, so does the County. The need for and costs of erecting and maintaining fences to protect feed stocks and crops surrounding the TRNP has increased dramatically. Feed stocks and crops entice elk to jump fences. When elk jump fences, they typically drag their feet, breaking the top few wires of a wire fence, causing constant need for

farmers and ranchers to continually maintain fences. As the overpopulated elk herd descends on grasslands, feed stocks and hay storage areas, ranchers are forced to expend significant resources to replace the lost feed for their own animals. Our area ranchers should not be spending their hard-earned money feeding elk that the NPS has failed to manage.

Another foreseeable economic impact to area ranchers is an expected reduction of cattle allowed to run on the National Grasslands. Overgrazing caused by the burgeoning elk population could likely result in the Forest Service reducing the allowable private cattle numbers allowed to graze on the Grasslands. There is only so much grass available to support the variety of animal units in the Grasslands. As elk numbers exponentially increase, there may be a correlating decrease in grazing permits issued to local ranchers. The elk's added pressure on the foraging resources in the National Grasslands will force local ranchers to supplement cattle feeding and even seek out replacement pasture. This is a reasonably foreseeable result of insufficient management by the NPS, and in fact, it has happened near other National Parks with unmanaged elk populations. The anticipated impact on the National Grasslands and on the ranchers who run cattle on the Grasslands should be further studied and disclosed in the Final EIS.

In Billings County, the State and Federal government already owns 50% of the land within the county borders, leaving the County to meet its budget with only 50% of county land providing the totality of its tax base. As such, what hurts County farmers and ranchers (comprising of 94% of county land use) hurts Billings County. Given the high level of non-taxed, public ownership, Billings County will be more affected than other counties may be if there is a NPS decision with an adverse impact on farming and ranching. The added costs of fencing and replacement feed for cattle and replacement pasture will add financial strain to an already meager farming profit margin. If farmers and ranchers are forced out of operation, ranchland may be sold for other purposes, such as vacation homes and hunting land. Billings County may see a few more 'ranchette' vacation homes and additional hunters while losing farm families from the community. It is noteworthy that ranchette owners and hunters certainly provide financial benefits to the community, but nowhere near the benefits provided by our local farmers and ranchers. Vacationers and hunters visit the community on occasion, but it is the farming and ranching families that fill our schools, churches, restaurants, grocery stores, and provide our work force year-around. This is particularly significant since Billings County lost 20% of its population between the 1990 and 2000 census. Billings County will zealously protect the remaining agriculture industry within the County as a means of maintaining its population, employment base, schools, churches, and businesses.

Whichever alternative is selected must reduce the number of elk immediately and keep it at a manageable number. It is imperative that an elk reduction alternative is implemented immediately. The local community cannot afford further dilatory practices and lack of management by the NPS, given the continued adverse impacts on local farmers and ranchers.

The County's Choice: Immediate Reduction to 100 Elk:

Alternative C – Euthanasia or Modified Alternative B – Firearms Reduction in One Year

The County strongly favors Alternative C, which achieves the quickest reduction in elk numbers by using euthanasia to control the elk population in the first year. Alternative B, harvesting elk with firearms, would be acceptable *only if* the elk numbers were reduced more quickly than contemplated in the EIS. The County sees no reason to prolong the elk harvest over the course of five years. By extending the harvest to a multi-year project, it requires more planning, more personnel, more training, and more costs associated with mobilization of the effort. Extending the harvest over the course of years will also require more animals be ultimately eliminated, given the reproduction of elk cows during the years awaiting harvest. Fewer animals are killed in Alternative C, with 800 elk euthanized, rather than Alternative B, where 1358 elk eliminated by sharpshooters over five years. The elk introduction in this environment was an initiative by the NPS, with full knowledge of the lack of predators such as grizzly bears and wolves. The NPS must take accountability for the overpopulation and take swift action to avoid further adverse significant impact to the human environment surrounding the park.

Swift elimination of elk via euthanasia or firearms with sharpshooters is not always the most publically popular option, but the NPS made a commitment in the 2003 MOU and is guided by the 2006 Management Policies and the Organic Act, which require maintenance of reasonable numbers of animals to support a sustainable ecosystem. The NPS must also be mindful of the sustainability of the neighboring property owners who are suffering due to the NPS's current management. To date, NPS is failing to meet its management objects and commitments.

Alternative C is a logical choice. There are still a plethora of elk currently outside the TRNP boundaries that will continue to provide ample targets for hunters with elk permits. The level of reproduction will provide a constant supply of elk on private property for hunters. The elevated level of hunting permits currently available appears to be far more than the tags actually filled by hunters, so there should still be ample hunting opportunities outside the TRNP with Alternative C in place.

For years, environmental groups have lobbied to transform areas of Billings County into 'Buffalo Commons', where nature would prevail and farms, ranches and oil development would disappear. Billings County will not be transformed into Buffalo Commons. The top revenue generation in the county comes from commodity production, from farmers and ranchers in the area. As the elk population spills over onto private property outside the TRNP fence line, there will be additional grazing pressure on the national grasslands. Many local ranchers have paid to run their cattle on the federal grasslands for generations. Around the country, as elk populations are exploding near federal grasslands, the government has responded by limiting the number of cattle grazing on the grasslands due to overgrazing of the resource caused by the elk explosion. That cannot happen to Billings County ranchers as a result of the NPS's disregard for their management commitments and obligations.

There are numerous examples of trust funds nationally that reimburse private parties for losses occasioned as a result of the introduction of wolves as a manner of controlling elk herds. Ranchers who suffer financial loss as a result of the NPS's management practices should similarly be compensated for their expenses and loss of livelihood as a result of NPS's lack of management of the elk herd within the TRNP. Yet, Billings County farmers and ranchers have received nothing to date for feeding the NPS's elk. The NPS knowingly fails to maintain TRNP fences in an effort to encourage the elk to seek forage outside the TRNP boundaries.

Objections to Alternative E – Hunting Outside of Park

Alternative E would use a helicopter to scare and scatter 1,358 elk out of the TRNP and onto adjacent private lands with an opportunity for increased hunting, assuming the nearby private landowners are willing to open their lands to even more hunters than currently traverse the area. Increasing hunting permits simply will not control the elk population. Some North Dakota entities may favor increased hunting opportunities outside the TRNP, but the County strongly opposes Alternative E. Further, since NPS has no agreement with the NDGF, and no control over the number of elk hunting permits issued to manage the elk once they are chased out of the TRNP, the NPS simply has no authority to implement Alternative E. As such, it cannot be the preferred alternative in this EIS since NPS has no authority to implement it. It would be nothing but a suggestion from NPS to NDGF. Since NDGF walked away from the EIS development process due to a fundamental disagreement with NPS policies over allowing hunting within the TRNP, Alternative E is not reasonable, practicable, or capable of implementation by NPS.

The NDGF increased the amount of elk permits over the past few years, but the fact that more permits are available has not made appreciable strides toward managing the elk population. The NDGF website reports that up to 560 elk hunting permits were available in 2008, yet the reduction of the elk population has not made appreciable strides to control the population. <http://gf.nd.gov/regulations/bighorn/index.html>. Despite the number of elk hunting permits issued in 2008, only a fraction of those led to actual elk killed. Increased hunting will do nothing to manage the additional 1358 elk scared out of the TRNP given the reproduction and survival rate.

Chasing more elk on private lands does not necessarily comport with more permits issued, more hunters appearing to shoot elk, or any significant reduction in the herd. There is no trend indicating that increased hunting opportunities will have any appreciable impact on the elk population. Landowners currently host the elk and also must routinely open up their lands to hunters. The only thing Alternative E will do for sure is to transfer the NPS problem onto the backs of the private landowners outside the TRNP. That form of 'management' is no management at all.

Further, hunters will typically seek out bull elk, where it is the cow elk that need to be culled in this situation to preclude further overpopulation. In fact, of the 106 elk killed by hunters in 1997-1999, only 16 appear to be females based upon information in the EIS. Bull elk are more inclined to roam outside the TRNP, while the cow elk are more inclined to stay within the TRNP. Alternative E's

increased hunting outside the TRNP will disproportionately remove bull elk, which does almost nothing to control the elk population.

While Billings County appreciates sports hunting and welcomes hunters, the NPS should not rely on private hunting outside TRNP boundaries (and outside of NPS authority) to maintain the elk herd. To put it bluntly, the NPS created a significant problem by introducing and failing to control the elk. On behalf of its farmers and ranchers, Billings County is offended by the NPS suggesting scattering the 1358 elk towards the broken-down park fences as a means of reaching its objective of having less than 400 elk within the confines of the TRNP. The NPS strenuously objects to any suggestion of allowing hunting within the TRNP, yet they expect neighboring private landowners to host the NPS's 1358 excess elk in nearby pastures and small grain fields, then to open their private land to a myriad of hunters to traverse private property in search of the 1358 elk.

The NPS has made no attempt to quantify the economic losses occasioned by local farmers and ranchers near TRNP, which must be done if Alternative E were to be considered as the preferred alternative. Ranchers near the west fence line of Wind Cave National Park have given up planting small grains and have lost half of their alfalfa, since the NPS has opted to manage that burgeoning elk herd by pushing elk out of the Park and onto nearby private land, relying on hunters to control the elk population. The NPS may claim their management is 'successful,' as it certainly pushes elk out of the Park boundaries as a means to reduce Park elk population, yet the surrounding landowners would likely take issue with the NPS's definition of success. (http://www.rapidityjournal.com/articles/2007/02/10/news/top/news00e_too_many_elk.txt) If local landowners are expected to bear the burden of feeding the NPS's overpopulated elk herd, there should be significant depredation payments being made to these local landowners. The NPS provides feed stocks and payments to landowners near other National Parks, so there is no reason NPS should not be doing the same thing for the property owners near TRNP.

Alternative E is also objectionable due to concerns over spreading disease. The comingling of the elk, mule deer and cattle herds also increases the exposure of cattle herds to brucellosis, chronic wasting disease and other chronic illnesses. In fact, local ranchers need to test their herds for brucellosis. The animal density occasioned by NPS's lack of management puts cattle herds and other wildlife at risk. The NPS should include brucellosis testing if they continue to maintain animal densities in excess of recommended limits.

It's time for the NPS to make the hard choice to reduce the elk numbers swiftly and immediately. NPS must be accountable for its own problems, rather than use a helicopter to scare their problems conveniently outside of the NPS jurisdiction so they become private landowners' problems. Billings County's private landowners practice sustainability and are stewards of the land on which they rely for forage for their cattle herds. Their livelihoods will be compromised if their meager grasslands and winter cattle feeding operations suddenly become habitat for an unsustainable level of the NPS's 1358 elk.

Alternative D - Testing and Transportation:

While Chronic Wasting Disease (CWD) has required additional testing of animals prior to transporting animals to other areas, the requirement for testing has not precluded transporting animals. While the NPS includes transporting animals elsewhere as an EIS alternative, it is unrealistic to assume that alternative will have any appreciable change in the elk numbers at the TRNP. The NPS has had this option at its disposal for years, yet has made no advancements to transport elk. Given the concerns about CWD, fewer recipients are able to be identified to receive elk. Many other National Parks are experiencing similar overabundance of elk without any success in relocating the elk. The option to test and transport elk should not be relied upon to appreciably reduce elk numbers in the EIS.

TRNP could have tested sufficient animals and transported the elk to other locations at any point prior to this study. The obvious flaw in this suggestion is a simple lack of entities willing to receive the elk. Numerous national parks have conducted similar EIS studies in the last three years as a means of deciding how to reduce their own burgeoning elk populations. The greater National Park system must find a way to reduce thousands of elk. This study, like the Rocky Mountain National Park and Grand Teton National Park and National Elk Refuge, fails to identify any entities willing and able to receive sufficient elk to make an appreciable difference in reducing the elk populations by 668 animals. Other National Park studies are further along than this Draft EIS, and they have yet to identify willing recipients for a majority of their elk, so it is unrealistic to think that translocating the TRNP elk will be a reasonable or practicable alternative.

Finally, it is noteworthy that the TRNP was once a recipient of translocated elk from the Wind Cave National Park (which now has evidence of CWD). Given the elk population explosion, the difficulty in managing elk herd numbers, and the restrictions on translocating elk, potential recipients may be less willing to accept elk now and in the foreseeable future due to the problems anticipated with elk population management.

Alternative F - Fertility Control

Fertility control of elk is not a reasonable alternative. It simply does not meet the Purpose and Need, as it fails to reduce the elk population in a timely manner. It is difficult to implement, monitor and control. It also has no track record of proven effectiveness. As such, fertility control is not a reasonable alternative and should not be made part of any solution to the elk population reduction plan for TRNP.

Congress intended that the NPS' conservation goals be dedicated to, and carried out in accordance with an ethic of nonimpairment.

In keeping with this clear directive of nonimpairment, the NPS promulgated regulations *prohibiting all hunting* in national parks unless such activity is "specifically mandated" or "specifically authorized as a discretionary activity" under an individual park's enabling statute. 36 C.F.R. § 2.2(a)-(b). Federal courts have upheld the NPS's determination that the Organic Act expressly prohibits hunting and trapping activities in national parks unless otherwise specifically authorized by the park's enabling statute. See, e.g., *Nat'l Rifle Ass'n of America v. Potter*, 628 F. Supp. 903, 910 (D.D.C. 1986) (rejecting the NRA's interpretation of the Organic Act as allowing hunting, and finding that the legislative history of the Act "lead[s] to the conclusion that Congress did not contemplate any so-called 'consumptive' uses of the new park system it was creating."); *Michigan United Gons. Club v. Lujan*, 949 F.2d 202, 207 (8th Cir. 1991) (upholding the NPS's determination that trapping is permitted in national parks only where separately authorized by Congress "in light of the Organic Act and its amendments, that its primary management function with respect to wildlife is preservation unless Congress has declared otherwise"). The enabling act for TRNP, the TRNP Act, 16 U.S.C. § 241 *et seq.*, is silent as to hunting, and therefore hunting is prohibited in the Park. 36 C.F.R. § 2.2(a)-(b). The Draft EIS acknowledges this, stating that hunting in the Park "would be inconsistent with existing laws, policies, regulations, and case law regarding public hunts in units of the NPS" and that "it would be inconsistent with long-standing basic policy objectives for NPS units where hunting is not authorized." Draft EIS at 95.

Here, the Draft EIS's "Alternative B," which contemplates hunting activity within the Park, is in clear violation of the express prohibitions against such activity contained in the Organic Act and its implementing regulations. Under Alternative B, "Direct Reduction with Firearms," "[d]irect reduction would be managed by the NPS and carried out by qualified federal employees and authorized agents. Authorized agents include, but are not limited to, other agency and tribal personnel, contractors, or skilled volunteers." Draft EIS at 56. Presumably, because they are neither federal nor other agency employees, tribal personnel, or paid contractors, these "skilled volunteers" will be local hunters, especially in light of the fact that "experience in the use of firearms for the removal of wildlife" is required to participate. *Id.* at 56-57.

The Draft EIS provides *absolutely no* explanation of how the use of volunteer hunters in this manner does not constitute hunting. While the Draft EIS states that the volunteer hunters "would be directly supervised in the field by NPS personnel," and would work in teams, Draft EIS at 57, no further distinctions are provided. Furthermore, Alternative B is practically indistinguishable from an alternative eliminated from further consideration by the NPS: "Initial Reduction and Maintenance by Certified Volunteer Sharpshooters (NDGF Alternative)." Draft EIS at 95. Under this alternative, eliminated because it "meets the definition of a managed public hunt," *id.*, elk would be removed by "Certified Volunteer Sharpshooters," who would be "a North Dakota resident that has had an approved hunter education course . . . and would participate in a specialized training course designed by the park and NDGF. Once approved, the CVS would be given a permit to remove an elk from the park." *Id.* at 95-96. Presumably, the only distinction between

this rejected alternative and Alternative B is that the hunters would work in teams and be supervised by NPS personnel under Alternative B. *Id.* at 57.

Alternative B is in clear violation of the Organic Act and the NPS's implementing regulations. Simply put, this Alternative offers local hunters the recreational opportunity to kill elk in the Park under the guise of being "authorized agents" of the Park Service. The Organic Act specifically contemplates a distinction between those who must destroy natural resources as a duty of their job to protect park resources on the whole, and those who desire to destroy park resources for personal enjoyment or satisfaction. Indeed, the NPS itself acknowledges in the Draft EIS that "[w]hile the Organic Act gives the Secretary of the Interior the authority to destroy plants or animals for the purposes of preventing detriment to park resources, it *does not give the secretary authority to permit the destruction of animals for recreational purposes.*" Draft EIS at 95. If the NPS implements Alternative B, the agency will be allowing exactly this.¹

II. NPS Use of Private, Volunteer Hunters Contravenes the Volunteers in the Parks Act and Established NPS Policy Regarding the Use of Volunteers

More specific limitations on public involvement in activities in national parks, even where related to administrative purposes of the NPS, are found in the Volunteers in the Parks Act ("VIP Act"). 16 U.S.C. § 18g *et seq.* This statute permits the Secretary to use the service of members of the public in limited administrative capacities only – specifically, "as volunteers for or in aid of interpretive functions, or other visitor services or activities" in Park Service units. *Id.* § 18g. The VIP Act does *not* authorize volunteer use in supplementing other functions of the NPS. In fact, the Senate Report accompanying the bill enacted into law only comprehends that it will allow the NPS to provide opportunities for "retired people" and the "young" to participate in activities such as providing "information services to visitors" and helping "in the interpretation of historical events." S. Rep. No. 1013, 91st Cong., 2d Sess. 2-3 (1970).

The VIP Act also states that "[i]n accepting such services of individuals or volunteers, the Secretary shall not permit the use of volunteers in a hazardous duty," except when such individuals are skilled in particular hazardous activities. 16 U.S.C. § 18g. The Senate Report explains that: "[i]t should be clearly understood that no volunteers are to serve in any hazardous or dangerous occupation where the risks of injury are foreseeable. This legislation is not intended to provide any authority to utilize volunteers to operate potentially dangerous machinery, nor should it be interpreted as authority to

¹ The Administrative Record for the Rocky Mountain National Park Elk Management Plan ("RMNP AR") makes clear the NPS's previous belief that the Park was offering a recreational opportunity to local hunters when it decided to use "skilled volunteers" as authorized agents. See, e.g., RMNP AR at 4088 (stating that "[t]he principle difference in using public hunters and sharpshooters is recreational opportunity); *id.* at 7030 ("[w]hen the purpose is to provide a recreational experience it would be considered hunting"). Furthermore, with respect to the RMNP Elk Management Plan, the Department of the Interior's own solicitor clearly advised NPS staff that "if you have a private citizen pulling the trigger and collecting the animal it is hunting." *Id.* at 6586 (emphasis added).

utilize volunteers to do the jobs normally assigned to regular career employees." S. Rep. No. 1013 at 2.²

In keeping with the intent of the VIP Act, the NPS has promulgated rules setting out a detailed framework governing how parks are to implement the Act and specifically stating that volunteers are not to perform duties involving firearms. See Department of Interior National Park Service Reference Manual No. 7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_05.pdf (last accessed March 17, 2009) (stressing that volunteers "must not be assigned duties that would place them in a life-threatening situation, even as an observer. Some examples of duties [volunteers] should not perform include . . . carrying modern firearms"). Indeed, it is clear that the use of volunteers in this manner has not previously been contemplated at TRNP, as the Park must now "develop specific guidelines for firearms use." Draft EIS at 57.

Notably, the Draft EIS indicates that implementation of Alternative B "would increase the potential for employee injury and accidents." Draft EIS at 230. Risks to "qualified federal employees and authorized agents" include potential exposure to Chronic Wasting Disease ("CWD") and risks associated with the handling, processing, and transport of elk. Draft EIS at 57. It is clear that the implementation of Alternative B is a "hazardous [and] dangerous occupation where the risks of injury are foreseeable," 16 U.S.C. § 18g; S. Rep. No. 1013 at 2, and involves "carrying modern firearms," Department of Interior National Park Service Reference Manual No. 7: Volunteers in Park Service 14, Final Draft, available at http://www.nps.gov/archive/volunteer/RM7_final_draft_6_05.pdf (last accessed March 17, 2009). This use of volunteers contravenes the VIP Act, its legislative history, and NPS's rules regarding the use of volunteers.

III. The Draft EIS Does Not Comply With NEPA

The National Environmental Policy Act ("NEPA") is this country's "basic national charter for protection of the environment." 40 C.F.R. § 1500.1(a). NEPA declares a national policy "to enrich the understanding of the ecological systems and natural resources important to the Nation," 42 U.S.C. § 4321, and makes it the "continuing responsibility" of all federal agencies "to improve and coordinate Federal plans, functions, programs and resources" in recognition of "the profound impact of man's activity on the interrelations of all components of the natural environment," including, among other impacts, "resource exploitation." *Id.* § 4331. The Council on Environmental Quality ("CEQ") is charged with promulgating regulations implementing NEPA that are "binding on all Federal agencies." 40 C.F.R. § 1500.3. Here, the Draft EIS violates NEPA and its implementing regulations in several ways.

² The RMNP AR supports this reading of the VIP Act. See Hunting 3-Page Paper (AR at 7443) ("consultations with the national VIP program office have indicated that the exception in the legislation [concerning the use of "skilled" volunteers] could not be used to allow volunteers to assist with animal reductions in parks") (emphasis added).

A. The NPS Should Prepare a Programmatic EIS in Order to Adequately Analyze the Impact of Using Volunteer Private Hunters

The use of volunteer, private hunters to kill ungulates in parks in conjunction with park management plans appears to be a new system-wide policy of the NPS.³ As discussed more fully above, the recent decision to use volunteer hunters to kill elk in RMNP marked the first time in its 93-year history that the NPS has permitted this activity. Since that decision, at least three more parks have incorporated the use of volunteer hunters in Draft EISs: TRNP, Wind Cave National Park, and Indiana Dunes National Lakeshore. See 73 Fed. Reg. 76,053-01 (Dec. 15, 2008); 74 Fed. Reg. 5180-02 (Jan. 29, 2009). In light of the fact that the potential impacts of the use of volunteer, private hunters in parks are extremely significant in their own right and have not yet been properly examined in any of the EISs,⁴ the NPS should prepare a programmatic EIS in order to adequately analyze these impacts.

NEPA requires agencies to prepare environmental impact statements for "major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). An action "significantly affects the quality of the human environment" under NEPA if it implicates any of the ten significance factors outlined by the CEQ. See 40 C.F.R. § 1508.27(b). The use of volunteer, private hunters in lethal reduction activities in parks where hunting is prohibited implicates several of these factors in its own right, including adverse impacts on "public health or safety," the fact that the use of volunteers in this manner is "highly controversial," the presence of "unique or unknown risks," the fact that the decision "may establish a precedent for future action with significant effects," and, perhaps most importantly, "threatens a violation of Federal . . . law" and "requirements imposed for the protection of the environment." *Id.* The presence of any one of these factors requires the preparation of an EIS. See *Grand Canyon Trust v. FAA*, 290 F.3d 339, 340 (D.C. Cir. 2002) ("[i]f any significant environmental impacts might result from the proposed agency action then an EIS must be prepared before agency action is taken") (emphasis added); *Nat'l Wildlife Federation v. Norton*, 332 F. Supp. 2d 170, 181 (D.D.C. 2004).

"A programmatic EIS reflects the broad environmental consequences attendant upon a wide-ranging federal program. The thesis underlying programmatic EISs is that a systematic program is likely to generate disparate yet related impacts." *Found. on Econ. Trends v. Heckler*, 756 F.2d 143, 159 (D.C. Cir. 1985). See also *Kleppe v. Sierra Club*, 427 U.S. 390, 409 (1976) (stating that a programmatic EIS may be required in situations where several related proposed actions are pending at the same time). Here, the NPS's use of volunteer hunters in national parks across the country would certainly qualify as a

³ The NPS has recently stated that the agency "has not contemplated using volunteers in this manner in the past . . . This issue has implications for the entire [NPS]." RMNP AR at 8607-08.

⁴ During development of the RMNP Elk Management Plan, which was the first plan to incorporate volunteer hunters, the agency intentionally chose to avoid addressing these issues, choosing instead "to use a FEIS for [RMNP] and a future plan with culling . . . to more fully vet the issues related to volunteers." RMNP AR at 8806. Unfortunately, this has not yet occurred.

"systematic program," *id.*, and, although impacts may vary slightly from park to park, it is undeniable that these impacts are related as they stem from the same activity: the shooting of animals in national parks by members of the hunting public. In addition, the CEQ regulations provide that an agency should prepare a programmatic EIS if proposed actions are "connected," "cumulative," or "sufficiently similar" that a programmatic EIS is "the best way" to identify relevant impacts and effects. 40 C.F.R. § 1508.25; *Heckler*, 756 F.2d at 159 (D.C. Cir. 1985). Finally, the failure of the NPS to produce a programmatic EIS for the use of volunteer hunters is in blatant disregard of the CEQ regulations which require that "broad actions" and "systematic and connected agency decisions" be considered in the same assessment. 40 C.F.R. § 1502.4(c); *id.* § 1508.18(b).

B. The NPS Must Consider a Reasonable Range of Alternatives Including Non-Lethal Alternatives

NEPA requires federal agencies to "study, develop, and describe appropriate alternatives to recommended courses of action." 42 U.S.C. § 4432(E). NEPA's alternatives analysis is "designed to insure that an agency's single-minded approach to a proposed action is tempered by the consideration of other feasible options that may have different (and fewer) environmental effects." *Sierra Club v. Watkins*, 808 F. Supp. 852, 875 (D.D.C. 1991), and is "the heart of the [EIS]" 40 C.F.R. § 1502.14. A particular agency's statutory mandates and directives also play a critical role in determining the range of reasonable alternatives that the agency must address. See *Citizens Against Burlington v. Busey*, 938 F.2d 190, 196 (D.C. Cir. 1991). Thus, a reasonable range of alternatives for NPS management plans would presumably include alternatives dedicated to the Service's legislative mandates to preserve the public value and integrity of park resources and abide by a principle of nonimpairment.

Here, the NPS has failed to adequately study, develop, and describe a reasonable range of alternative management plans for TRNP. Such an analysis would consider alternatives to lethal control to achieve the NPS's management objectives for the park and the wildlife that reside there. However, the alternatives proposed in the Draft EIS fail to constitute a reasonable range – e.g., they include only the "no action" alternative and four additional "action" alternatives, all of which involve lethal reduction.⁵ While the NPS must include an analysis of the "no action" alternative, because this alternative provides the baseline for the agency's analysis, the inclusion of the "no action" alternative alone does not create a reasonable range of alternatives. Efforts to develop non-lethal methods for initial reduction would help ensure that the Service is conforming to its legislative mandate to protect and preserve the Park System's natural resources.

⁵ Alternative B involves direct reduction of the elk herd with firearms. Draft EIS at 56-60. Alternative C involves roundup and euthanasia. *Id.* at 61-64. Alternative D, "Testing and Translocation," involves killing hundreds of elk for CWD testing and, if CWD is found or if translocation proves to be impractical, the herd will be reduced by another lethal alternative. *Id.* at 65-68. Alternative E, "Hunting Outside the Park," would involve dispersal of elk beyond park boundaries, at which point the NPS would work with NDGF to enhance hunting opportunities to reduce the population. *Id.* at 69. Alternative F, "Fertility Control," is analyzed solely for maintenance after initial lethal reduction. *Id.* at 71-76.

C. The NPS Has Underestimated the Impact of Lethal Reduction on Visitor Wildlife Viewing

The Draft EIS has underestimated the impact to wildlife viewing opportunities that will result once hundreds of elk are permanently removed from the South Unit of TRNP. Although the Draft EIS acknowledges that "many visitors came to the park for the opportunity to see wildlife," Draft EIS at 27, and that "[v]iewing wildlife and taking pictures are the most common visitor activities in the park," *id.* at 133, the lethal reduction activities proposed by the NPS here would obviously result in reduced potential for elk/human interactions. *Id.* In addition, the Draft EIS acknowledges that "[a]nnual direct reduction activities could deter visitors from travelling to the park during management actions and beyond if they disagree with this approach or if they are concerned their visit could be disrupted." *Id.* at 209. However, the Draft EIS downplays these impacts, stating that "currently the chances of seeing elk are not that high and it is unlikely that a decline in the elk population would be noticed by visitors, resulting in a negligible to minor adverse impact for those visitors." *Id.* at 223.

The Draft EIS also indicates that the lethal reduction activities would be conducted in the fall and winter, "when visitation is low," and that "[f]ew visitors would be affected because most visitation occurs in June, July, and August . . ." See, e.g., Draft EIS at 224. However, according to 2006 TRNP visitation statistics, nearly 45,500 visitors accessed the South Unit of the Park between October and February. This could hardly be considered a "few visitors," especially in light of the fact that the entire Park received an estimated 435,359 visitors that year. See <http://www.ohranger.com/theodore-roosevelt-park> (last accessed March 18, 2009). The Draft EIS severely downplays this potential impact to the wildlife viewing opportunities of nearly 10% of the Park's visitors.

Because one of NEPA's explicit purposes is to "assure . . . aesthetically and culturally pleasing surroundings," 42 U.S.C. § 4331(b)(2), proper NEPA analysis requires the NPS to realistically depict the potential impact of intense lethal reduction of the elk herd on visitor experience at TRNP. See *Lujan v. Nat'l Wildlife Fed'n*, 497 U.S. 871, 886 (1990) ("We have no doubt that recreational use and aesthetic enjoyment are among the sorts of interests [NEPA] [was] specifically designed to protect"); *Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1460 (9th Cir. 1996) ("agency decision can be found arbitrary and capricious where the agency entirely failed to consider an important aspect of the problem" and "a failure by the [agency] to address recreational concerns could be a basis for invalidating agency action").

IV. NPS Use of Private, Volunteer Hunters is Imprudent and Arbitrary

The HSUS believes the use of private, volunteer hunters as described in Alternative B would be imprudent and arbitrary. First, the use of private hunters, even on a volunteer basis, would cost the Park almost one million dollars more to implement the management plan than implementing the same using only qualified federal employees. The Draft EIS states:

Should skilled volunteers be used for direct reduction activities, the associated administration costs have been estimated at an additional \$68,668 per year (or \$1 million over 15 years), with much higher costs during initial reduction. These costs include the 5-10 seasonal employees needed to administer the skilled volunteer program . . . Due to the funding increase needed, impacts would be long-term, adverse, and moderate to major.

Draft EIS at 238. Furthermore, the Draft EIS reveals the significant negative impacts that the use of volunteer hunters would have on the administration of the Park in general. See Draft EIS at 238 (stating that "the potential for overseeing a skilled volunteer program for direct reduction with firearms on an annual basis would require a substantial change in park management and operations. As a result, there would be long-term, moderate to major, adverse impacts during initial reduction and annual maintenance activities, with the intensity being greater if skilled volunteers are used."); *id.* (stating that "[a]n annual management action would require temporary shifts in priorities in most divisions for weeks or months, resulting in long-term, moderate to major, adverse impacts. Impacts would be greatest if it is necessary to manage a pool of skilled volunteers").

Perhaps more importantly, the Draft EIS describes the significant safety risks the use of volunteer, private hunters as described in Alternative B would pose to both visitors to and employees of TRNP. See Draft EIS at 93 ("impacts to employee safety would be long-term, minor to moderate adverse"); *id.* at 230 ("[t]he safety of both visitors and NPS employees at [TRNP] would be affected by implementation of the proposed elk management actions" and that "[t]hese activities would increase the potential for employee injury and accidents). The NPS attempts to downplay these impacts by describing its yet-to-be-developed - and therefore not disclosed to the public for consideration and comment - requirements for firearms use and the skill of the personnel involved but provides no detail as to how safety risks would be minimized. Furthermore, as described more fully above, while the Draft EIS states that lethal reduction activities would take place in the fall and winter, the number of visitors the park receives during these months is certainly not negligible, the Draft EIS does not indicate how the NPS plans to ensure that no visitors are in the area while elk are being shot. While it is easy to close parking lots and post signs, it is not as simple to close off foot trails that traverse the park and enter onto adjacent land.

Other parks have acknowledged the impropriety of using volunteer hunters to lethally reduce animals in the parks. For example, the Valley Forge National Historic Park Draft White-tailed Deer Management Plan/EIS ("Valley Forge Draft EIS") rejects the use of volunteers to kill deer in the park as "infeasible" due to the terrain of the park and continued use by visitors during the proposed management actions. Valley Forge Draft EIS at 2-2. Instead, lethal reduction would be carried out by authorized agents of the NPS, which do not include "skilled volunteers." See *id.* (authorized agents are "other state and federal agency personnel or contractors").

Finally, the use of volunteer, private hunters to lethally reduce the elk herd at TRNP is imprudent in light of the fact that the legality and propriety of this *same action* at RMNP is currently being challenged in Federal Court. See *WildEarth Guardians v. NPS*, No. 1:08-cv-00608 (D. Colo.).

V. Conclusion

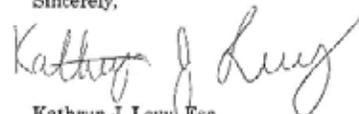
The Draft EIS provides no reasonable justification supporting the use of volunteer, private hunters in the lethal reduction of the elk herd. Indeed, apart from providing local hunters a recreational opportunity in the Park, there is no reasonable explanation for this action. As discussed more fully above, this is in direct contravention of the Organic Act and the NPS's own regulations. This point is affirmed by the Leopold Report, an analysis compiled by a committee appointed by the Secretary of the Interior in the 1960s to address the overpopulation of elk in Yellowstone National Park:

We cannot endorse the view that the responsibility for removing excess game animals be shared with state fish and game departments whose primary interest would be to capitalize on the recreational value of the public hunting that could thus be supplied. Such a proposal imputes a multiple use concept of park management which was never intended, which is not legally permitted, nor for which we can find any compelling justification today.

Leopold, *et al.*, *Wildlife Management in the National Parks* (1963), available at http://www.nps.gov/history/history/online_books/leopold/leopold6.htm (last accessed Mar. 19, 2009).

The use of volunteer hunters also contravenes the VIP Act, which does not contemplate the use of volunteers in this manner. Furthermore, the Draft EIS does not comply with NEPA. Finally, the Draft EIS raises significant cost, safety, and policy concerns associated with the use of volunteers, and provides no reasoned basis supporting the use of members of the public to kill elk in the Park.

Sincerely,



Kathryn J. Levy, Esq.
The Humane Society of the United States
2100 L Street, NW
Washington, DC 20037



CEAR POST ELK RANCH
NATIVE ELK FOR LIFE

United States Department of the Interior
Melvin Ferguson CEO
Theodore Roosevelt National Park
Box 7 Medora,
North Dakota, 58645.

2nd January 2008

Comments on Elk Management Plan

Dear Sir/ Ms,

I would like to place a submission of comment on the Theodore Roosevelt National Park's Draft Elk Management Plan/ Environment Impact Statement. After careful consideration and review of the Theodore Roosevelt National Park's Draft Elk Management Plan/ Environment Impact Statement December 2008, I feel that Alternative D: Testing and Translocation would be a better option in maintaining and managing the Park's elk herd population within the short and long term, plus a more cost affective one.

Alternative D would uphold and support a number of the NPEA regulation (Q4a and Q6a) and NPS *Management Policies 2006* (section 4.4.2, section 4.4.4.1), plus remain compatible with the direction and guidance provided by both the general management and current strategic plans for the Park.

Under the Theodore Roosevelt National Park December 2008 Statement (p.65) I qualify as a 'willing recipient' for Alternative D. My current status is as follows:

- ✓ Oglala Sioux Tribe Member
- ✓ Own and operate the Cedar Post Elk Ranch on Pine Ridge Indian Reservation
- ✓ Hold a current Possession Permit for Captive Non-Domestic Animals from the South Dakota Animal Industry Board (see attachment). Permit No: 2008-P-212
- ✓ Have 33 head of elk on the Ranch, all healthy and have 60 acres of State certified and inspected fencing
- ✓ State Inspected and approved handling facility
- ✓ We are inspected annually by the South Dakota Animal Industry Board.



CEAR POST ELK RANCH
NATIVE ELK FOR LIFE

- ✓ We are CWD cleared, and have had two of our elk tested for CWD in the past 3 months. Tests show CWD negative (see attachment).
- ✓ All animals on the Ranch are TB accredited and Brucellosis certified. (see attachment)
- ✓ We will not be seeking any immediate commercial gain from elk brought in from the Theodore Roosevelt National Park.
- ✓ Sufficient land is available to support around 400 head of elk.
- ✓ We maintain continual testing and health checks of all our animals and provide the highest quality feed.
- ✓ All our animals are able to graze freely and maintain their natural instinct in foraging, mating, socialising and playing.

Additionally, elk are seen as an important part of the Oglala Sioux's cultural and heritage background. Unfortunately, the numbers of elk on the Reservation are limited, and this brings very little opportunity for the local schools to offer hands on education for the student to learn about their past and cultural connection to the elk and other wild life. Cedar Post Elk Ranch has been able to close this gap by introducing the elk to local schools (see attachment).

An added benefit which has also been observed is that visitor to the Reservation are also able to observe, up close, the elk in their natural environment and we are able to educate them on the importance of elk to the Reservation and to the Oglala Sioux people.

Kind Regards

Melvin Ferguson
(CEO)

Permit Number: 2008-P-212
 Melvin Ferguson
 Cedar Post Elk Ranch
 Kyle, SD 57752

CURRENT CERVIDAE HERD STATUSES

PROGRAM	STATUS	LEVEL	Anniversary Date/LTD
Chronic Wasting Disease		M3	
Tuberculosis	-		
Brucellosis	-		

EXPLANATION OF CERVIDAE HERD STATUSES

Chronic Wasting Disease (CWD) – Cervid herd is enrolled in the mandatory Chronic Wasting Disease surveillance program.

- CWD M1 – At least 12 months of qualified surveillance.
- CWD M2 – Greater than 24 months of qualified surveillance.
- CWD M3 – Greater than 36 months of qualified surveillance.
- CWD M4 – Greater than 42 months of qualified surveillance.
- CWD M5 – Greater than 60 months of qualified surveillance.

Tuberculosis (Accredited) – Cervid herd is participating in the voluntary Tuberculosis Accreditation program.

Level 1 – 1st herd test has been completed of all animals over 12 months of age. 2nd herd test must be done 9-15 months later in order to move forward in the Tuberculosis Accreditation program.

Level 2 – 2nd herd test has been completed of all animals over 12 months of age. Accredited status is awarded.
 A Tuberculosis whole herd test must be done every third year in order to maintain accredited status.

Brucellosis (Certified) – Cervid Herd is participating in the voluntary Brucellosis Certification program.

Level 1 – 1st herd test has been completed of all animals over 12 months of age. 2nd herd test must be done 9-15 months later in order to move forward in the Brucellosis Certification program.

Level 2 – 2nd herd test has been completed of all animals over 12 months of age. Certified status is awarded.
 A Brucellosis whole herd test must be done every third year in order to maintain certified status.

PERMIT NO. 2008-P-212

SOUTH DAKOTA ANIMAL INDUSTRY BOARD
 411 SOUTH FORT STREET
 PIERRE, SOUTH DAKOTA 57501-4603
 PHONE NO. (605) 773-3321



POSSESSION PERMIT FOR CAPTIVE NON-DOMESTIC ANIMALS

Melvin Ferguson of PO Box 434, N Route B1A25, Kyle, SD 57752
 is hereby granted this permit for captive non-domestic animals. This permit is valid from

01/01/2008 thru 12/31/2008

S. O'Halloran
 State Veterinarian
 South Dakota Animal Industry Board

Little Wound High School

Daniel G. Snethen
Little Wound High School
PO Box 601
Kyle, SD 57752

December 12, 2008

Cedar Post Elk Ranch
Melvin and Sophia Ferguson
PO Box 434
Kyle, SD 57752

Dear Melvin and Sophia:

I just wanted to let you know how much I really enjoyed our visit. My students were very excited about visiting the Cedar Post Elk Ranch. Most of them had never seen an elk before and especially not up close. Several of the students are still talking about hand feeding your elk apples.

Cedar Post Elk Ranch is a top notch organization. Your company brings much to our community. As a biologist and biology teacher I am always looking for new learning opportunities for my students. Your ranch is located closely enough to our school as to allow for several day trips. My class periods are 90 minutes long and I was able to bring each of my biology classes to your ranch for an hour long presentation and still be able to get my students back in time for their next class. Living in a remote area like we do, it is often difficult to find educational opportunities for our students without bussing them a hundred miles away. I know that educational services are not the main focus of your establishment but they are none the less a valuable service that you can and do offer the youth of our community.

The presentation you gave was very informative, fun and especially interesting. I found both of you to be very knowledgeable and friendly. The hands on experiences you afforded for my students was priceless. They will always remember the field trip to the elk ranch.

I am very excited that you have brought in this new and growing business to Indian Country and that it involves the use of the North American elk in its native habitat and that this is all being done organically. The Cedar Post Elk Ranch will provide healthy meat and medicinal products for many people it will also bring an economical boost to our community in time providing jobs for our youth as well as educational opportunities. Tourism and hunting opportunities as well as educational ones and new jobs will result from this new business venture. I hope you will feel free to share this letter with others as I wish to openly and publicly endorse the Cedar Post Elk Ranch as a multi-faceted asset to our community.

Sincerely,



Daniel G. Snethen
Little Wound High School Science Department Chair



CEDAR POST ELK RANCH
NATIVE ELK FOR LIFE

PO Box 434
Kyle, SD 57752
Tel: 605-455-2474
www.cedarpostelk.com

To: Valerie J. Naylor

Fax: 701-623-4840

Phone: _____

Re: Comments On Elk Management Plan

From: Melvin Ferguson

Pages: 5 (not including fax sheet)

Date: 29th December 2008

CC: _____

- Urgent
- For Review
- Please Comment
- Please Reply
- Please Recycle



Sisseton-Wahpeton Oyate

LAKE TRAVERSE RESERVATION
P.O. Box 509
100 Veterans Memorial Drive
Agency Village, South Dakota 57262-0509
Phone: (605) 698-3911

OFFICE OF THE TRIBAL CHAIRMAN

November 21, 2008

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, ND 58645

RE: Surplus Elk

Dear Ms. Naylor,

It has come to our attention that Teddy Roosevelt National Park may have an Elk reduction Program this year. If so, please consider this letter a request for approximately 30 of the animals to be used for the Tribes Food Pantry, Elderly Program, Alcohol Program and Diabetes Program. The hides will be used for making leather and for drums.

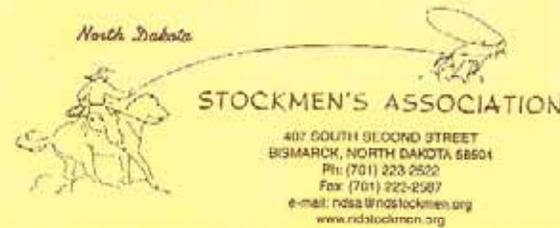
On behalf of the Sisseton Wahpeton Oyate we wish to thank you for allowing our Tribe to be a part of the National Parks Surplus Property Program.

If our request is approved please coordinate the transfer with the Tribes Fish and Wildlife Director, Mr. Alvah Quinn at 605-698-3911 Ext. # 213. Should you have any questions you may call Mr. Quinn or myself at 605-698-3911 Ext. #102.

Thank you,


Michael Selvaige, Sr.
Tribal Chairman

CC: Alvah Quinn, F & W Director



March 16, 2009

Superintendent
Theodore Roosevelt National Park
PO Box 7
Medora, ND 58645-0007

Dear Superintendent:

The North Dakota Stockmen's Association (NDSA) has analyzed the National Park Service's Draft Elk Management Plan and Environmental Impact Statement listing alternatives for addressing the park's elk population.

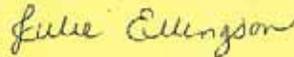
Our members identified dealing with the overpopulated elk herd in the park as a priority item last fall at our annual convention. They adopted an "Elk" resolution at that meeting. The resolution points to the impacts of the now nearly 900 head of elk in the park, including those to the range, fences and privately owned feedstuffs. The resolution also points to elk's disease-carrying tendency and possible consequences to domestic livestock herds. Therefore, members endorse all appropriate actions being used to prevent the elk's escape and overproduction and oppose any release of the animals on federal, state or private lands in North Dakota.

With those objectives in mind, the NDSA also opposes any of the Park Service's proposed management strategies that would 1) take no action; 2) introduce elk into new areas of the state; and/or 3) move them onto private lands. The remaining alternatives, or that proposed by others to allow resident sharpshooters to assist with the park's elk removal, would be our preferred options, as they would lessen the impacts to area landowners and livestock producers.

Representatives of our organization emphasized these thoughts and priorities at the recent townhall meetings in Dickinson, Fargo, Minot, Mandan and Medora.

Please consider these comments as you make your decision.

Sincerely,



Julie Ellingson
Executive Vice President
North Dakota Stockmen's Association

NORTH DAKOTA GAME & FISH DEPARTMENT

"Variety in Hunting and Fishing"

GOVERNOR, John Hoeven

DIRECTOR, Jerry Steinhilber
DEPUTY, Roger Rostvet

100 North Bismarck Expressway
Bismarck, North Dakota 58501-6095
Phone: (701) 328-6300
FAX: (701) 328-6352

March 13, 2009

Valerie Naylor
Superintendent
Theodore Roosevelt National Park
PO Box 7
Medora, North Dakota 58645-0007

Dear Ms. ^{Val}Naylor,

The North Dakota Game and Fish Department (Department) offers the following comments on the Theodore Roosevelt National Park (TRNP) Elk Management Plan Environmental Impact Statement (EIS). We appreciate the opportunity to provide comments on the EIS and recognize the challenging nature of elk management within a national park. Your task is not an easy one, but we believe that a solution exists that will accomplish the objective of controlling elk numbers in and around TRNP. Finding this solution will require a commitment on the part of the National Park Service (NPS) to consider a wide range of potential options, some of which are contained in the EIS, while others are not. We believe that such a range of options are necessary to reduce and maintain the park's elk population at the desired level over time.

The Department has reviewed the alternatives in the elk management plan EIS and does not support any of them as they are currently written. We believe that with some modifications an alternative, or a combination of selected components of the alternatives could work, be fiscally responsible, biologically sound, and garner public support from the citizens of North Dakota. We will first detail our concerns with the alternatives presented in the draft EIS and then will suggest modifications we believe would result in effective management of the elk population at TRNP.

Alternative A: No Action

- This is standard in all EIS documents, and could be viable depending on the carrying capacity for elk in TRNP. While TRNP has set a population objective for elk in the park in the EIS, we do not believe this is the carrying capacity, and damage to the park's ecosystem does not occur at a much greater population level. The biological carrying capacity of TRNP should be reassessed and alternatives viewed in this context rather than the population goal identified in the EIS.

Alternative B: Direct Reduction with Firearms

- This alternative calls for reducing the estimated population of elk from approximately 900-1,300 down to 200 animals over a five-year period. In years 1-4 the NPS would remove 275 elk per year, and 258 in the final year. This estimate factors in an annual 25% growth

rate in the population.

- NPS would reduce elk numbers by killing them with firearms and donating the meat (following disease testing) to food pantries. NPS staff or contractors would do most of the work in teams during the late fall and early winter.
- This alternative will be expensive - NPS estimates \$1-2 million over a five-year period (\$200,000 - \$400,000 per year). The Department believes this cost estimate is far too low. Costs would be incurred in paying the federal employees and/or the contractors, paying someone to field dress the animals, paying to remove the animals from the park by methods other than motorized vehicles, paying to store the carcasses until disease testing is done, paying for the disease testing, paying to transport the carcasses to a processing facility, paying to have them butchered, and then paying to have the meat transported to food distribution locations.
- There is a provision for the use of volunteers as team members for various tasks in the process. This may include killing, butchering, packing out, disease sample collection, and carcass handling. The NPS will have its own system of selecting qualified volunteers, although it is not detailed in the EIS. Those selected to kill elk with firearms would have to demonstrate proficiency in firearms. Details on all of these are unknown.
- Volunteers may not keep any meat, including those who will be doing the killing. Doing so would make it "hunting" which is not allowed, according to the NPS citing the current law and/or policy that governs management of TRNP.
- There is no explanation of how or if volunteers would be compensated for their expenses. We suspect it may be similar to the Rocky Mountain National Park concept which we believe is designed to dissuade interest in being a volunteer.
- There is no mention of which days of the week the work would be done. If much of the work is done during regular work days, then the potential pool of volunteers would be limited.
- We believe the NPS provision for the use of volunteers in this alternative is not what the public is expecting, and we certainly do not support it nor will the Department assist the NPS in its implementation. The citizens of North Dakota will be disappointed in this option once they realize what it really means, and will eventually react negatively. A few North Dakotans might be given the job of killing some animals as part of a supervised NPS/contractor team, but that is nowhere near what the public is expecting. It would simply be killing - nothing more. This is not the type of volunteer role the vast majority of North Dakota's hunting public would be interested in and we believe the NPS knows that. By offering up this alternative, NPS will be able to say it allowed use of volunteers, but there was limited interest.

Alternative C: Roundup and Euthanasia

- This alternative calls for the rounding up and euthanizing of 800 elk over a 22-day period. A helicopter would be used to drive elk into a pen and holding facility over six days, then kill and process the animals over the next 16 days, with some animals being confined in a pen for up to 10 days. Once disease testing is completed the carcasses would be donated as food.
- Many of the same steps and expenses would be similar to Alternative B, Reduction with Firearms. Again, we believe the cost estimates in the EIS are too conservative for this alternative.

- We also question the NPS concerning the status of the elk while in the holding pens. How will they be cared for, fed and watered? In 1993, elk were held in the same holding facility for an extended period of time, there were numerous animals killed or seriously injured. It was frankly a very ugly situation and these wild animals deserve a better fate.

Alternative D: Roundup, Testing, and Translocation

- This alternative would require 386 elk to be rounded up, killed and tested for CWD. The carcasses would be processed and held until the disease test results are completed then distributed as food if no problems are found. The 386 individuals is the statistically required sample size to document there is a 99% chance the herd is CWD free to a 1% level.
- In addition to the 386 animals to be killed, at least 668 elk would have to be rounded up and translocated over three years to accomplish the initial reduction, with subsequent roundups of smaller numbers in future years as maintenance.
- The NPS would make elk available to Indian tribes, nonprofit conservation organizations, and other agencies.
- If interest in translocating the elk is not sufficient to include all available elk, then the remainder would be killed and donated as meat.
- Our Department is requesting the NPS ensure that the elk are handled humanely and only given to entities that will retain them in an area with suitable habitat. Previous elk translocations from TRNP have resulted in elk being shipped to an Indian tribe in South Dakota, loaded on a different truck, and shipped back to North Dakota into a private game farm. This was met with great criticism by the public, and the NPS has the responsibility to ensure it does not happen again to a valuable, publicly owned wildlife resource. Unfortunately, the only reference we see in the plan regarding this issue thus far is a requirement for "no immediate commercial gain." We don't know what this means, but suspect it will not be sufficient in preventing profiteering and privatization of a public wildlife resource. We are concerned the NPS will use this as a way to "wash its hands" of what happens to the animals once a translocation has occurred - which is not acceptable. We strongly request the NPS clearly state in the final EIS exactly how translocations are to be conducted, develop strict guidelines concerning the habitat the recipient of the elk must have, and create legally binding agreements that prohibit the selling, bartering or trade of elk from TRNP to private entities or commercial operations.

Alternative E: Hunting Outside the Park

- This alternative seeks to enhance elk hunting opportunities outside the TRNP. The NPS acknowledges it would need the cooperation of the Department, U.S. Forest Service and private landowners. It is the Department's position that this alternative will not address the problem of excessive elk in TRNP. A successful public hunting program that has the support of most adjacent landowners is already in place. The NPS does not have authority outside of the park to adjust or change these hunting seasons as an alternative for addressing elk management problems inside the park.
- This alternative is poorly described and provides little detail other than to say NPS would manipulate the fence and use helicopters to drive elk out of the park after the close of the state's elk hunting season in December. We are not sure why the NPS is considering this time

period. Doing so may set up a situation similar to the bison hunt adjacent to Yellowstone National Park where hunters would sit and wait for the bison to walk out of the park and then shoot the animals in a "shooting gallery" manner. This led to serious on-site protests against the hunt, extensive media coverage, and bad publicity for the state of Montana and hunters in general. In addition, the use of aircraft to haze or harass wildlife for the purpose of hunting would likely be a violation of the federal Airborne Hunting Act.

- The NPS also does not identify specific areas where it would manipulate the fence, nor does it discuss the distance it would chase the elk away from the park. Elk that are hazed out of the park may return very quickly or may move in a direction or distance that was not anticipated, causing problems with a greater number of private landowners.
- The Department has made it clear to the public and local ranchers that we would not support this type of alternative. Based on discussions with area ranchers and grazing associations, we are assuming they would be strongly opposed to this alternative.
- The NPS is assuming a harvest of 275 elk in each of the first four years and 258 in the fifth year, which would allow it to reach the goal of 200 in five years. This estimate factors in an initial population of approximately 1,300 and an annual 25% growth rate. We believe this level of harvest cannot be achieved outside of TRNP using hunters in January and February.

Alternative F: Use of Fertility Agents

- This alternative is not being considered for the initial reduction and will only be considered as a maintenance option if a drug can be found that is effective and causes no side effects to the animal, or people who may consume the treated animal.
- The Department strongly opposes the use of fertility drugs in wildlife and would not support this option for reduction or maintenance. In fact, the State Veterinarian and the Department have a policy of not allowing the use of fertility agents for wildlife in North Dakota.

It seems the NPS has given little consideration for the long-term costs of maintaining the elk herd inside TRNP beyond the planning horizon set in the EIS. This issue is a significant one to the public and policy makers. This should bring into consideration the option to allow the use of hunting, a proven wildlife management technique, to reduce elk numbers when necessary. It may be that hunting in TRNP would require congressional approval and if that is the case then it should be included as an alternative pending congressional action. This would be similar to the inclusion of Alternative F, which will only become viable if adequate fertility agents can be found in the future.

Hunting in national parks was not permitted in most instances when the park system was created and built over the last century. Wildlife populations had been decimated and the need for sanctuaries was real. As a result a bias against hunting became firmly ingrained in the culture of the NPS. Times have changed and while the past attitudes and policies served a noble, purpose it is time to look forward. What confronts the NPS, not only in TRNP but in many other national parks, is managing ungulate populations that have exceeded their desired level or biological carrying capacity. It seems only logical that the owners of these big game animals, the public, should be allowed to assist in reducing populations.

We are asking the NPS to reassess its decision to not consider Alternative G (attached) as developed and recommended by our Department, which uses Certified Volunteer Sharpshooters to reduce the elk population in TRNP. We continue to support the use of this alternative as a stand-alone option or a component of a more comprehensive alternative. This could be accomplished by amending one of the proposed alternatives, which would negate the need to redo the EIS process. We would be willing to work with NPS on the development of a comprehensive alternative that would incorporate key components of the proposed alternatives and Alternative G. We believe such an alternative would be effective and be supported by a broad-cross section of the public, as well as legislative and political leaders.

Again, the North Dakota Game and Fish Department appreciates the opportunity to comment on the TRNP elk management EIS. It is our sincere hope that we can work with the NPS to craft a solution to this complex wildlife management challenge to the satisfaction of all interested parties. Accomplishing this task will be difficult and may require a unique and visionary approach, but we believe it can be done.

Sincerely,



Terry Steinwand
Director

Enclosure

ALTERNATIVE G: Initial Reduction and Maintenance by Certified Volunteer Sharpshooters

This alternative would be implemented as a stand alone option or used in combination with certain components of other alternatives under consideration depending upon the time frame identified for accomplishing the population reduction. Elk would be removed by Certified Volunteer Sharpshooters (CVS) using high powered rifles. Carcasses would be removed from the park by the CVS using approved NPS means. The CVS will process the meat and may keep it or donate it to a food pantry. The removal period would be November through February when park visitation is low and would coincide with state implemented hunting seasons outside the park. Once the initial elk population goal was achieved, additional removal actions using CVS would be conducted as needed to maintain the desired population range.

Questions and Answers Related to Alternative G

1) What is a Certified Volunteer Sharpshooter (CVS)? A CVS is someone that has had an approved hunter education course or is deemed legally eligible to obtain the necessary North Dakota licenses or permits to take or possess big game, and participates in a specialized training course designed by TRNP and the North Dakota Game and Fish Department. Once approved, the CVS will be given a permit to remove an elk from the park.

2) Can a CVS be a resident or a nonresident of North Dakota? The elk in TRNP are considered to be state regulated wildlife and therefore under current North Dakota law only residents may take or possess elk in adherence with rules and regulations established by the Governor. For nonresidents to be eligible the state legislature would have to make a special allowance for this situation at TRNP and the Governor would have to include such a change in proclaimed rules and regulations.

3) When would CVS be in the park conducting removal operations?

Removal operations would occur from November through February. This is a time period where park visitation is extremely low and conflicts with other park users would be nearly nonexistent. This time period is also prior to the time of year when male elk shed their antlers. The focus of the removal effort is on the female segment of the population.

4) How will CVS be selected? Members of the public will be required to submit an on line application. The NPS and NDGFD will work cooperatively on screening the applicants to insure they meet the standards set for being a CVS. Once a list of applicants has been reviewed and approved, the permits to take and possess an elk from TRNP will be issued by random lottery. The CVS will then be required to satisfactorily complete an on line training course. Prior to the CVS beginning the elk removal process, they will be required to participate in an onsite preparation meeting.

5) How will the removal process actually work? The NPS and NDGFD will establish a number of zones in TRNP. These zones are designed to manage the activities of CVS in any given time period and to spread out and maximize the effectiveness of the removal operation in the park. A specific number of CVS will be allowed into a zone for a set period of time. If they are unsuccessful in removing an elk during their assigned time period they do not get another chance. The number of CVS in any one zone will be closely regulated to avoid conflicts and minimize any possible interactions with other park users.

6) Will using zones in the park with a set number of CVS be able to reduce elk numbers substantially? We believe it will. For example, in the late fall and early winter of 2008-2009 there are 17 seven day periods. If you allow each CVS one seven day period and have 10 CVS in each of the five zones per seven day period for the duration of the 17 periods you will have allowed 850 CVS the opportunity to remove an elk. Assuming a success rate of 50% that is a total of 425 elk removed. Even at 25%, that is 212 elk removed and utilized at minimal cost to the NPS. At the same time elk hunting seasons will be conducted outside the park in the anticipation that removal actions will drive some elk out of TRNP thereby increasing the total

number of elk removed. If there are more than 5 zones or if the density of CVS in each zone is allowed to be more than 10 per seven day period then the effectiveness increases.

7) Will there be a cost for a CVS permit? The NPS may charge each approved CVS a fee. The fees will be used to help cover the expenditures the park will incur managing the CVS alternative.

8) How will the CVS remove the carcass once they have killed an elk? The removal of the elk carcass from the park is the responsibility of the CVS. All edible flesh and head must be removed. Removing the head will be required so the animal can be tested for CWD. The park does not allow the use of motor vehicles off of established roads and designated trails; therefore, the carcass must be removed by packing the animal out on foot or by horseback, or by using non-motorized wheel carts in areas other than specifically designated wilderness areas where wheeled vehicles of any kind are not allowed.

9) Will the CVS need to be accompanied by a NPS employee? No, that would be unnecessary. Each CVS will be assigned to a specific zone and all access to that area will be on foot or horseback. There will be rules specifically prohibiting shooting elk while on or adjacent to a roadway thereby eliminating "road hunting" as a concern. A CVS on foot or horseback in the park will not cause any damage to the park, its facilities or the general public and, therefore, there is not need for a NPS staff member to accompany the CVS. In addition, there will be a daily mandatory check in and check out requirement in place. The NPS and NDGFD will staff these check stations.

10) What about CWD concerns? CWD has not been documented as occurring in the TRNP elk herd nor any other wild elk herd in North Dakota. As part of the training course and on site preparation meeting each CVS will be informed about CWD and the proper precautions that should be taken. In addition, all elk removed by a CVS must be checked in at the mandatory check station so CWD sample may be taken and tested. Each elk removed from the park by a CVS will be assigned a number and when the CWD tests results are returned the CVS will be notified.



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December 31, 2008

Valerie J. Naylor
Superintendent
Theodore Roosevelt National Park
PO Box 7
Medora, ND 58645

NDSHPO Ref.: 09-0269 [also 84-0164] NPS Theodore Roosevelt National
Park: THRO Elk Management Plan and Draft EIS

Dear Valerie:

We have received and reviewed: "Theodore Roosevelt National Park Elk
Management Plan and Draft Environmental Impact Statement." A No-Action
Alternative (A) and five (5) other Alternatives (B-F) are treated in the
document. As a preferred alternative has not been selected, we will confine our
comments to general matters concerning cultural resources.

As reported on pages 33-34, cultural resources are not suspected to be impact
topics of the Elk Management Plan. Protocols are outlined in the event that
there are impacts to resources, structures, landscapes, and collections. Under
Alternative E, fence alterations are mentioned, and this activity warrants
consideration of potential impacts to cultural resources should it be
implemented. Likewise, Fire Management Plans carried out in concordance
with the overall management plan, merit consideration of potential impacts
prior to their implementation as well.

Thank you for the opportunity to review the project and we look forward to
further consultation on it. If you have questions please contact either Paul
Picha at (701) 328-3574 or Susan Quinnell at (701) 328-3576 or
squinnell@nd.gov.

Sincerely,

Merlan E. Paaverud, Jr.
State Historic Preservation Officer (North Dakota)
and
Director, State Historical Society of North Dakota

MEDORA GRAZING ASSOCIATION
P.O. BOX 108
MEDORA, ND 58645

To: Valerie J. Naylor Superintendent,
Theodore Roosevelt National Park

Re: Elk comments

The Medora Grazing Association, Board of Directors hereby submits the following
comments to the Theodore Roosevelt National Park Elk Management Plan.

We feel that Alternative C would be the proper alternative to address the over-population
of elk within the park boundaries. The initial reduction would best be accomplished
through this alternative.

The transporting of elk by truck to a federally inspected processing facility for euthanasia
would be humane, quick, economical, and have the least impact on surrounding
rangeland administered by the Medora Grazing Association.

In the future, after the initial reduction is completed, the park service should explore the
use of hunting within the park boundaries to maintain proper elk population. We do not
support the idea of herding elk out of the park boundaries for hunting purposes or
population control.

Sincerely,

Board of Directors, Medora Grazing Association



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: EPR-N

MAR 18 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
Box 7
Medora, North Dakota 58645-0007

Re: Theodore Roosevelt National Park
Elk Management Plan Draft EIS
CEQ # 20080521

Dear Superintendent Naylor:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the *Theodore Roosevelt National Park Elk Management Plan Draft Environmental Impact Statement (DEIS)*. Section 309 of the Clean Air Act directs EPA to review and comment in writing on the environmental impacts of any major federal agency action. EPA's comments include a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

According to the DEIS, the Theodore Roosevelt National Park is proposing to develop and implement an elk management strategy to address the large population of elk in the South Unit of the park that will be compatible with the long-term protection and preservation of park resources. The current elk population in the South unit is estimated at 900. Based on information such as past management practices, modeling, policies and guidance, it was determined that a population size between 100 and 400 would meet the desired condition of a lightly grazed system.

In addition to the no action alternative, the DEIS presents five action alternatives to meet the objectives of the plan. Alternatives B through E were developed for initial population reduction and maintenance. Alternative B outlines direct reduction through firearms. Alternative C reduces and maintains population through roundups and euthanasia at off-site locations. Alternative D incorporates translocation for healthy elk after Chronic Wasting Disease testing, and Alternative E provides increased elk hunting opportunities outside of the park. Alternative F, fertility control of female elk, was developed as a maintenance tool only. This alternative could only be implemented after initial reduction efforts were accomplished through another alternative in order to meet target population goals. Currently, the park is not considering Alternative F since there are no fertility control agents available at this time that meet National

Park Service (NPS) guidelines set forth in the DEIS (pages 72-73), however this alternative may be considered in the future as technology improves.

Additionally, the DEIS presents adaptive management scenarios and outlines a six-step approach in the event an elk management action needs to be altered once a preferred alternative is chosen. For this plan, adaptive management is hinged on the elk population size as the primary factor that would affect the South Unit from reaching the objective of being a lightly grazed system. Additionally, monitoring under this plan would target both the elk population as well as shifts in grassland vegetation patterns in elk use areas, and would also examine other variables. EPA is pleased that so much consideration has gone into the adaptive management process, recognizing that a certain level of uncertainty exists and that management techniques sometimes need to be adjusted as new information is available.

It is EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of the project. The DEIS states that NPS will identify the preferred alternative for the Elk Management Plan only after consideration of comments received during the public review period. EPA also realizes that certain data, such as the 2005 and 2006 data on elk movement and distribution, still awaits analysis. However, EPA's review has not identified any potential environmental impacts requiring substantive changes to the proposed plan, and therefore all alternatives will receive the same rating of Lack of Objections. Although it should be noted that if and when future fertility control technology meets the criteria outlined in the DEIS, there may be unforeseen limitations or consequences associated with the technology that were not considered during the planning stages.

EPA commends the NPS for its thorough review and analysis of the issues, affected environment, and proposed alternatives in order to develop this DEIS. If you have any questions regarding the NEPA process or this rating, please contact me at 303-312-6004, or Melanie Wasco of my staff at 303 312-6540.

Sincerely,

Larry Svoboda
Director, NEPA Program
Ecosystems Protection and Remediation

Enclosure:

Ratings Criteria

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U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment, February, 1987.



THE WILDLIFE SOCIETY

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Tel: (301) 897-8770 • Fax: (301) 530-2471
E-mail: tw@wildlife.org

19 March 2009

Valerie Naylor, Superintendent
Theodore Roosevelt National Park
P.O. Box 7
Medora, North Dakota 58645

Dear Superintendent Naylor:

The Wildlife Society appreciates the opportunity to provide comments on the Draft Environmental Impact Statement (DEIS) for the management of elk within the south unit of Theodore Roosevelt National Park (TRNP). The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association representing over 8,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve wildlife professionals—the scientists, technicians, and practitioners actively working to study, manage, and conserve native and desired non-native wildlife and their habitats worldwide.

The Wildlife Society supports the Park Service's efforts to manage the elk population at TRNP in a manner that is compatible with its other resources. Our North Dakota Chapter has reviewed the DEIS and the alternatives selected for elk herd management, and has provided detailed comments. We endorse those comments, and would stress the following points:

- The six alternatives represent a range of options to evaluate and accomplish the goal of elk herd reduction. The proposed desired condition of a "lightly grazed system" in TRNP recognizes the need to balance use by all animal groups using the grassland ecosystem. Since the proposed elk herd goals are predictive and the resulting impacts need to be ratified by experience and testing the results, we believe that the studies and discussion presented support the conservative goals of 100 minimum to 400 maximum set out in the DEIS, and are suitable for testing this management plan during the proposed project plan life of 15 years.
- Alternative B (Direct Reduction with Firearms) and Alternative C (Roundup and Euthanasia) have proven track records at the park and in other circumstances, giving credibility as realistic alternatives. Alternative D (Testing and Translocation) is not a viable option because there is currently no definitive live test for Chronic Wasting Disease (CWD) in elk. Alternative E (Hunting outside the Park) does not seem practical due to the difficulties in obtaining landowner and agency acceptance, and the lack of experience in accomplishing this type of action. In Alternative F, fertility control agents would be used for maintenance of the elk herd once the initial herd reduction has been accomplished. As described in the DEIS, this Alternative would be used if and only when

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Theodore Roosevelt
National Park

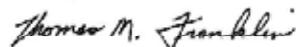
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suitable agents are developed that meet the criteria detailed in the DEIS. Currently the use of immunocontraceptives is not a viable option for use on the elk herd and until research proves that acceptable agents and efficient and effective delivery systems are available, the Park Service should not consider this Alternative as a management tool.

- We believe that Alternative C (Roundup and Euthanasia) is the best alternative to accomplish the TRNP elk management objective and should be selected as the preferred alternative. The Park Service has experience in conducting this type of operation, it is the most efficient and timely of all the alternatives, and it minimizes complications with the unknowns associated with other alternatives such as weather delays, carcass removal issues, access to elk in badlands topography, adjacent land owner acceptance, and length of time to accomplish. Further, it allows the most precise opportunity to select which individual animals will be retained or removed from the herd to meet population management goals.
- A timely and efficient initial reduction in elk numbers will lessen the chance of dispersing elk on to private land and causing problems for neighboring ranchers. To the extent it is compatible with the stated goals, bulls should not be put down, but released back into the park. By focusing the reduction on the female segment of the population, excess satellite bulls will likely continue to wander out of the park, thereby giving hunters the opportunity to have access to harvest these animals.
- The section on Adaptive Management offers flexibility to adapt to changing conditions and new information. Regardless of the Preferred Alternative selected we recommend that the Park Service keep all possible options open including the option to use any or parts of the other identified Alternatives in combination to augment or strengthen the selected management action for the elk herd. Adherence to this principle will lead to the most effective management of elk in the TRNP.
- Adherence to the federal moratorium on transporting live elk outside the TRNP for release should be maintained. Translocation of native and exotic wildlife, captive propagation of wildlife, and high fence enclosures have been identified as three of the top five risk factors associated with the spread of diseases such as Chronic Wasting Disease and tuberculosis in wildlife, and therefore must be carefully regulated.

Thank you for considering the views of wildlife professionals.

Sincerely,



Thomas M. Franklin
President

Excellence in Wildlife Stewardship Through Science and Education



December 26, 2008

Valerie J. Naylor, Superintendent
Theodore Roosevelt National Park
Box 7
Medora, ND 58645-0007

Dear Valerie:

I received a copy of the Draft Elk Management Plan/Environmental Impact Statement today and actually just finished reading the entire document. I have found it to be well-written, it provides great detail and should serve as an effective tool to help decide how to deal with the overabundance of elk. I do have a few comments regarding the plan and have listed them here.

I don't believe that herding the elk outside of the park into a "shooting corridor" would be acceptable to the public in general and would definitely put our wonderful Park in a negative national limelight. Even though I am a hunter, I also would not be in favor of allowing hunting within the boundaries of the Park.

In general, I am in favor of alternate C and feel that this is the most reasonable and acceptable manner in which to proceed, if conducted correctly. I would like to provide a few additional points to consider, which may help alternate C become the option that is selected.

1. I believe that humanely herding the elk into the working corral, humanely euthanizing them, collecting brain stems and tonsils for Chronic Wasting Disease testing and then allowing the carcasses/meat to be removed from the premises is the most desirable and acceptable method for reducing the elk numbers. (Is it done any differently now when someone harvests an elk in the North Dakota badlands?)
2. I do not see the need to remove the elk from the premises and have them euthanized and processed at another location. I believe that the opportunity for interested members of the public to purchase elk meat at \$100 per animal (limit of one, first-come, first-served) would be beneficial and also provide considerable income to offset the costs of the roundup. This would provide the opportunity for some of the many people who would like to hunt elk but haven't been selected or
3. can't afford the cost of traveling out of state for a hunt to gain elk meat. I believe that this would also go a long way towards helping to smooth over the

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feelings that could be generated by the fact that so many animals are being euthanized at one time. It certainly would make it easier to harvest the meat so that it could be used.

4. At our facility alone, we use over 30,000 lbs. of meat each year to feed our carnivorous animals. Given an average meat realization of approximately 300 lbs. per harvested elk, this would translate up to 100 elk per year that our facility could utilize. I have visited with other zoos and I believe that an additional 50 or so elk per year could be utilized for meat purposes. Donating 10% of the harvested elk to people's local zoo would both benefit the zoo and also help to alleviate negative feelings about the elk being euthanized needlessly.
5. While the survey that is referred to states that 26% of visitors see elk, I believe that the overall "viewability" of elk is much lower than that. I know of people that have visited the Park at least annually for a number of years and have never seen an elk. On the numerous visits that I make to the Park each season, I generally only see elk if I go looking for them, which means getting out of the vehicle and trekking a couple of miles. I would guess that a high percentage of visitors don't leave the comfort of their vehicle when visiting the Park. Thus, I agree with the draft that states that the ability to view elk in the Park won't be impacted by reducing their numbers. They are hard to see for most people who visit.

I wish you good luck on the important decision that you must make in determining the best alternative for reducing the number of elk in Theodore Roosevelt National Park and thank you for allowing me to air some of my views on this subject.

I continue to enjoy the Park and appreciate the hard work that goes on out there.

Sincerely,

Terry Lincoln
Zoo Director

The NDSA has a standing resolution opposing the release of any elk onto other federal, state, or private lands outside the park boundaries. The increased risk of disease, depredation, and damage to the members of the ranching community surrounding the park or these areas are of great concern and the factors behind this resolution. The NDSA has also had a long standing policy of applying common sense when dealing with issues before us. The knowledge and wisdom of our nearly 3000 members provide a wealth of experience from which to make these types of decisions. That is why we are finding it difficult to understand why the park service would spend thousands of dollars to solve a problem that the residents of the very state in which this park is located could solve for them for a fraction of the cost. Particularly in this time of record national deficits, this flies directly in the face of reason or common sense. The people of the state of ND provide the thousands of visitors to this park and the areas surrounding it countless memories of warmth, kindness and western hospitality to take home from their visit here and as such perhaps deserve the opportunity to continue the rich hunting heritage of this state and be part of the solution to the problem of too many elk in the Park. Please consider the plan put forth by the NDG&F and our legislators as the most logical, cost effective, positive answer to this issue. Thank you Gabe Thompson Jr Dist. 6 NDSA director.

BADLANDS CONSERVATION ALLIANCE
A VOICE FOR WILD NORTH DAKOTA PLACES

Badlands Conservation Alliance
Field Office
801 North 10 Street
Bismarck, ND 58501
701-255-4958 badlandsconservationalliance.org

March 13, 2009

Valerie Naylor
Superintendent
Theodore Roosevelt National Park
PO Box 7
Medora, ND 58645

RE: Elk Management Plan and Draft Environmental Impact Statement (DEIS)

Dear Superintendent Naylor:

Badlands Conservation Alliance (BCA) is a non-profit organization whose mission focuses on restoration and preservation of western North Dakota's public lands, and includes watch-dogging those public land management agencies as to the principles of the laws that guide them.

Therein, we must initially thank and commend the National Park Service (NPS) and Theodore Roosevelt National Park (TRNP) for strict compliance to National Environmental Policy Act processes and adherence to NPS policy and federal law, both in development of this Elk Management Plan and DEIS and in the opportunities for public involvement. In particular, we commend the National Park Service on holding six public meetings across the state of North Dakota, on the quality of those presentations, and on the even hand with which NPS personnel interacted with citizens of diverse perspective and interest.

The Board of Directors of the Badlands Conservation Alliance opposes efforts by the North Dakota Game and Fish Department (NDGF) to influence change in National Park Service policy to allow recreational hunting in Theodore Roosevelt National Park. We are similarly in opposition to any efforts by the State of North Dakota, its representatives or elected officials to introduce federal legislation allowing hunting in Theodore Roosevelt National Park. We do so adamantly for the following reasons:

- National Park Service policy has been in place for over 100 years. To many United States citizens, the National Park System is a sacred trust. Absence of hunting is an integral part of that history.
- Recreational hunting in TRNP could be precedent setting for all National Parks. BCA does not want the State of North Dakota to be responsible for such an outcome.
- While NDGF has done an admirable job in the last couple years to assist TRNP in lowering elk numbers, by increased elk tags and extended elk seasons outside the Park, the number of bulls taken versus cows suggests a not wholly genuine focus on reduction. There are continuing, and as yet unrealized, opportunities for expanded hunting outside Park boundaries.
- The abbreviated proposal offered by NDGF is of unidentified duration, unidentified expense, and would have unidentified, possibly long-term, adverse impacts on all wildlife within the Park, on adjacent landowners, and to visitors.

- The suggested number of armed non-professionals within the Park would cause safety and liability concerns.

More than one member of the BCA Board of Directors has read the TRNP Elk Management Plan and DEIS from cover to cover. Our conclusion is that there is no single or thoroughly satisfactory solution to elk reduction in TRNP. Therein, we have used the objectives formulated by the Science Advisory Team listed in *Attachment 1: Recommendations for Management of Elk at Theodore Roosevelt National Park* as a tool for our discussion on DEIS Alternatives. Those objectives are found on page 27 of said attachment and include:

1. Rapidly reduce elk numbers to <100.
2. Minimize the number of animals treated.
3. Minimize the frequency of treatments.
4. Minimize the maximum number of animals treated.
5. Sustain a population that includes approximately 100 cows, calves and associated yearling bulls.

Although it is tempting, BCA has chosen not to support Alternative A, the No Action alternative. While objectives #2, #3, and #4 are wholly met, the degree to which objectives #1 and #5 are not eliminates it from our consideration. While letting nature take its course may result in benefits to hunters outside the Park, to tourists interested in seeing elk and to those community members profiting from associated activities, BCA believes we must take responsibility for what remains of a once richer ecosystem, and reduce elk numbers. We are concerned that vegetative thresholds may be irretrievably crossed, and that negative impacts to other wildlife within the Park, particularly bison and mule deer, may be insurmountable.

Speaking directly to objective #1, BCA finds Alternatives B and E inappropriate. We have concerns with both these alternatives in that the 5-year duration period for initial reduction would cause wide-ranging disturbance to all wildlife, to visitors, and to adjacent landowners. Furthermore, we suggest that there may be permanent impacts on all wildlife, and therein visitors and adjacent landowners, that have not been fully considered in the DEIS, forever changing the ambience and unique human and wildlife sanctuary that is currently TRNP.

Therein, BCA deems that Alternative C, and secondarily Alternative D, best fulfill objective 1. If a live-test for Chronic Wasting Disease (CWD) were to become available during the life of this management plan, Alternative D would rise in rank.

Speaking to objective #2, BCA again finds Alternative B and E at the bottom of the barrel during the initial reduction stage. However, considering maintenance only, Alternative B rises to the top. If one were to look at total animals treated including initial reduction and maintenance, Alternative D takes precedence. Therein, BCA suggests de-linking the reduction and maintenance phases of the alternatives in choosing a preferred action.

Speaking to objective #3, again Alternatives B and E drop out of consideration. We would suggest that of the remaining alternatives, Alternative D allows for greater flexibility – especially should live-testing for CWD become an option.

Speaking to objective #4, see #2 above with particular attention to the maintenance phase of management.

Finally, as regards objective #5, and paying particular attention to "sustain," Alternative B with its annual low-grade reductions holds the lead. Again, future availability of a live-test for CWD could move Alternative D into the front position. Both alternatives C and E allow for a swing in population that does not satisfy objective #5.

Given the above discussion of Scientific Advisory Team objectives, BCA would recommend Alternative D as the Preferred Alternative and would be satisfied if that were the NPS decision. However, the NEPA process allows for considerations beyond the scope of a Scientific Advisory Team.

Therein, BCA has these further comments:

- BCA would encourage to the greatest extent scientifically appropriate the inclusion of elk numbers taken by hunters outside the Park in determining a statistically significant sampling for Chronic Wasting Disease. This could significantly decrease the number of elk euthanized within the Park under Alternative D, increasing the public's comfort and tolerance level with this alternative.
 - If Alternative B remains on the table, include bow hunting as an addition that would limit disturbance to both wildlife and visitors.
 - Seriously pursue using horseback riders or other low-stress animal handling rather than helicopters to move elk in Alternatives C, D, and E. This would reduce disturbance, significantly decrease cost, and may function as a good will effort between the Park, riders, and adjacent landowners. It may also increase public tolerance for the required reductions.
 - Some North Dakota hunters support the efforts of NDGF. Some do not. While Alternative B and E do not rate highly as desirable alternatives in our Scientific Advisory Team objectives discussion above, there is something to be said for allowing a native animal to disperse beyond the confines of TRNP onto 1.1 million acres of public land, albeit intermingled with private. Alternative E therein may have merit if the following are taken into consideration:
 - ✓ NDGF would have to be a willing partner.
 - ✓ Interests beyond the affected agencies, i.e. NPS, NDGF and the US Forest Service (USFS), would need to be at the table when detailing implementation of this alternative. Participation of adjacent landowners would be paramount and essential. Local representatives of such interests as guide services, tourism, and conservation might also be helpful.
 - ✓ NDGF might have to take a fresh look at the most current Memorandum of Understanding between the USFS, NDGF, and TRNP regarding elk management. NDGF may have to re-evaluate the agency's role, including:
 - III. NDGF AGREES TO AND WILL, TO THE EXTENT RESOURCES PERMIT:
 - E. Provide reasonable mitigation measures to alleviate damage if significant elk predation and/or damage occurs on private lands adjacent to THRO.
- This is if NDGF truly wants to increase the legal opportunities for elk hunting in North Dakota.
- ✓ Provisions would need to be made for a dispersal distance from Park boundaries that reflects the sportsman's ethic of fair chase.

The above clarifications having been stated, Badlands Conservation Alliance recommends that the National Park Service choose as its Preferred Alternative a combination of alternatives, with Alternative D holding primacy. We would recommend that Alternative D be used for initial reduction, including the broadest statistically significant sampling for CWD possible, one that takes into account those animals taken outside the Park during one or more hunting seasons. Should CWD be found absent, opportunities for translocation should be initiated as soon and as rapidly as possible. BCA would happily see these live elk go to qualified entities that welcome them. They are a treasure.

Should CWD be found, BCA recommends that adaptive management be implemented in the form of Alternative E, with all provisions above applied. If for any reason NDGF is unwilling to partner in this effort, including developing a mutually satisfactory agreement with adjacent landowners, the NPS should move to Alternative C and make the required reductions.

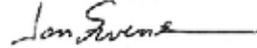
Additionally, BCA thinks that the initial reduction methodology should not be linked to the maintenance phase. In our Scientific Advisory Team discussion above, we support implementation of ongoing maintenance via that outlined in Alternative B. On page 37 of *Attachment 1: Recommendations for Management of Elk at Theodore Roosevelt National Park*, the Scientific Advisory Team states:
e. In practice, risks of substantial error (i.e. large departures from objectives) are likely to be least for relatively large population sizes and relatively modest manipulations. BCA deems that the annual removal of approximately 20-24 female elk will produce less disturbance while avoiding swings in elk population suggested by other alternatives. We also think this steady population will allow for a more solid base from which to make adaptive management decisions.

It would be our recommendation that only professional sharpshooters or qualified federal employees be used for this maintenance reduction. The expense of using skilled citizen volunteers is not merited for this minor ongoing action.

Monitoring of TRNP vegetation and the elk population itself will be absolutely essential to the successful implementation of this Plan. We encourage the Park to watch closely for evidence that this reduced number of elk is having the effect on Park resources that is desired, and that elk population numbers have not been set too low.

BCA thanks you for this opportunity to comment. Theodore Roosevelt National Park is a unique landscape in North Dakota, and indeed, the United States. Our membership holds it in highest esteem and trusts that the National Park Service will not allow for diminishment of this most valued resource.

Respectfully,


Jon Swenson
Executive Director
Badlands Conservation Alliance

Correspondence (279)

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Correspondence Information

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Correspondence Text

March 13, 2009

Superintendent Valerie Naylor
Theodore Roosevelt National Park
Box 7
Medora, ND 58645-0007

RE: Draft Elk Management Plan

Dear Superintendent Naylor:

The National Rifle Association (NRA) appreciates the opportunity to comment on the Draft Elk Management Plan (Plan) that examines several alternatives for addressing the rapid increase in the Park's elk population. The NRA is a 138-year-old organization with nearly 4 million members whose primary mission is to defend the Constitutional right to own and use firearms; to lead the field in firearms education and training; and to promote hunting and the management of wildlife based upon the principles of the North American Model of Wildlife Management.

The NRA recommends that the National Park Service adopt an approach, with modifications, that combines Alternative B, the direct reduction of elk using firearms, and Alternative E, increasing hunting opportunities outside the Park in coordination with state actions to reduce and maintain the elk population in the Park. The requested modifications relate to several issues.

First, Alternative B states that the reduction would be carried out by qualified federal employees and authorized agents that would include, but not be limited to, other agency and tribal personnel, contractors, or skilled volunteers. The NRA strongly encourages the Park to use federal employees in combination with hunters. We do not see any need for the expenditure of taxpayers' dollars to hire contract shooters when there is likely to be a pool of skilled volunteers in the hunting community of

North Dakota.

It would have been helpful if the Plan had explained how Alternative B compares to the lethal reduction alternative adopted by the Rocky Mountain National Park, and provided an explanation of the differences between the two approaches.

Second, Alternative B uses the term "elk management teams" but does not identify who will participate on these teams, only that qualified skilled volunteers would become part of a pool of available personnel that may supplement elk management teams. It also does not explain what kind of a system the Park will develop to identify skilled volunteers. We highly recommend that the Park work closely with the North Dakota Game and Fish Department (NDGF) in identifying volunteers within the hunting community.

Third, the NRA is adamantly opposed to the requirement in Alternative B that only non-lead bullets be used. Just this week, the Service announced its intent to eliminate the use of lead ammunition and lead fishing tackle by the end of next year. This policy announcement was made without any communication having been conducted with the affected publics. No supporting documentation or scientific evidence was provided. This policy mirrors what Alternative B is seeking to put into place. It would suggest that the lead ammunition ban called for in Alternative B was a springboard for the Service's newly announced policy.

There is a substantial body of scientific evidence that shows that lead ammunition does not pose health risks to humans, or wildlife populations as a whole. Certainly, there is no information to suggest that using lead ammunition in an elk culling operation will pose a risk to the health of Park staff and visitors or a threat to other Park wildlife.

Rather than address the science behind lead ammunition in comments to this Plan, the NRA strongly recommends that the lead ammunition ban be removed from Alternative B and that the discussion on this issue be elevated to the national level to engage the Service and national hunting, fishing, shooting, and wildlife conservation organizations.

The lead ammunition ban proposed in Alternative B will be seen as the first ban on lead ammunition following the Service's policy announcement. Rocky Mountain National Park did not require the use of non-lead ammunition in its elk management plan so it begs the question as to the motivation to apply it here. Further, while Alternative B would not be implemented as a hunt, the NDGF are the wildlife professionals who determine what firearms and ammunition are appropriate for killing big game animals. If the NDGF does not require non-lead ammunition for taking elk, the Park should not put be putting itself in the position of dictating otherwise.

In combination with a modified Alternative B, the NRA supports the approach of Alternative E that calls for the Park to work with the NDFG to identify supporting landowners who are willing to have elk dispersed on their land and open it to hunting. On the assumption that there will be adequate acreage to implement this Alternative given the number of landowners willing to participate in Alternative B, it would increase public hunting opportunities on the perimeter of the Park since hunting is not an option to maintain ecologically balanced elk numbers inside the Park.

Thank you for the opportunity to comment on the Plan.

Sincerely,

Susan Recce
National Rifle Association
Director- Conservation, Wildlife and Natural Resources
tel: 703-267-1541 fax: 703-267-1543

Correspondence (283)

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Correspondence Information

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Correspondence Text

Sixty-first Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 6, 2009
HOUSE CONCURRENT RESOLUTION NO. 3007
(Representatives Porter, Carlson, Damschen, Hanson)
(Senators Stenehjem, Hogue)
A concurrent resolution urging Congress to amend federal law or policy to implement the North Dakota Game and Fish Department alternative that would allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to assist the National Park Service in reducing and managing the park's elk population.
WHEREAS, Theodore Roosevelt National Park has released a Draft Elk Management Plan/Environmental Impact Statement; and
WHEREAS, the Draft Elk Management Plan/Environmental Impact Statement analyzes four action alternatives for initial herd reduction, as well as a no action alternative, and one alternative that could be used in combination with others for elk herd maintenance; and
WHEREAS, one alternative for initial herd reduction focuses on sharpshooting elk, using government employees, contractors, or skilled volunteers; and
WHEREAS, North Dakota is opposed to the action alternatives identified in the Draft Elk Management Plan/Environmental Impact Statement released by Theodore Roosevelt National Park; and
WHEREAS, hunting within the park boundaries is not currently allowed; and
WHEREAS, the elk population of Theodore Roosevelt National Park must be reduced to manageable levels to sustain a healthy population of elk in the park; and
WHEREAS, the North Dakota Game and Fish Department has developed and recommended an alternative that would reduce the elk population in Theodore Roosevelt
the ND Legislature has passed a resolution that supports the game and fish plan to reduce the herd size.

We have qualified sharp-shooters in ND that are more than willing to help with this problem by not

spending millions of dollars to cull the herd.

National Park using certified
volunteer sharpshooters; and

WHEREAS, North Dakota sportsmen have the hunting tradition, expertise, and ethics to assist
the National Park Service in this effort; and

WHEREAS, North Dakota sharpshooters should be chosen by a lottery system and be entitled
to keep any animal the sharpshooter takes;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-first Legislative Assembly urges the Congress of the United States to amend
federal law or policy to implement the North Dakota Game and Fish Department alternative that would
allow North Dakota resident sharpshooters to take elk within Theodore Roosevelt National Park to
assist the National Park Service in reducing and managing the park's elk population; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution by
registered mail, return receipt requested, to the Secretary of the Interior, the director of the National
Park Service, the superintendent of Theodore Roosevelt National Park, and each member of the North
Dakota Congressional Delegation.

Correspondence (273)

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Correspondence Information

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Correspondence Text

At our February, 2009 meeting of the board of directors, the Southwest ND Chapter of Pheasants Forever, Dickinson, ND unanimously voted to submit a letter of NON-SUPPORT to all current alternatives to the Elk population reduction plan.

We believe Mr. Terry Steinwand of the North Dakota Game and Fish Dept. says it best: "These elk are a resource of the state of North Dakota, and therefore state citizens should be directly involved in the population management process inside park boundaries."

We hereby fully support the position of the North Dakota Game and Fish Department, which asks for an additional alternative that accomplishes the goal of reducing elk in the park both effectively and economically by allowing North Dakota hunters to participate.

Why does this administration continue it's desire to waste taxpayer money on this issue when citizens of North Dakota would do as good or BETTER job of reducing this herd's population, while paying for the opportunity to do so?

This elk population provides for a wonderful opportunity to North Dakota residents who desire the chance to hunt elk in our Badlands. Let us take advantage of this opportunity, rather than waste it!

Correspondence (271)

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Correspondence Text

Once again it is very apparent the the State of North Dakota only has interests for residents of North Dakota, this is a national park, supported by all tax payers in this counrty. Therfor we belive if open to public sharpshooters it must include all residents of this nation. Not only North Dakota residents!

Regards,
Ronald Lee

Board of directors
CHILAKOOT BOWHUNTERS
Stillwater, Mn

651-470-6118

Correspondence (266)

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Correspondence Information

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Contains Request(s): No **Type:** Web Form
Notes:

Correspondence Text

Theodore Roosevelt National Park
RE: Elk Management Plan/DEIS
PO Box 7
Medora, ND 58645
Dear Sirs:

Thank you for the opportunity to comment on the elk management plan and the options that you have listed as possible. I attended the meeting in Medora, which had been advertized in North Dakota Newspapers as an information/comment. When I tried to comment the meeting was closed and they stated that comments had to be either mailed or emailed. If that was the case I apologize for the improper comments. I then travel to Bowman for a legislative forum where I mentioned the meeting n Medora. North Dakota/USA citizens in attendance there stated they wouldn't go to the meeting because they felt no one would listen.

My comment on the plans that were presented is this. None of the above. In Teton National Park there is the taking of game allowed. I know the park service doesn't refer to it as hunting but that's what would work at the Theodore Roosevelt National Park. The commentator at the Medora meeting stated that it is being allowed because hunting previously existed at that location before it became a national park. May I point out that a man name Theodore Roosevelt and his friends, along with millions before him, hunted in these exact location. I would like to propose that the same rules be applied to Theodore Roosevelt National Park and are applied at Teton National Park. The North Dakota Game and Fish could coordinate that process. It would be a much better use of the taxpayers' dollars.

Rep. David Drovdal
District 39
North Dakota House of Representatives

Correspondence (290)

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Correspondence Text

Spirit Lake Tribe has requested from the TRNP a total of 50 live animals and are willing to pay the costs associated with capturing, testing, and transporting the elk to Spirit Lake Reservation. It would be the number one priority of the Spirit Lake Tribe to get live elk instead of having them killed and having the meat sent to us. If the elk have to be killed, we would only be interested in obtaining 25 elk for meat. Also, the killed elk would have to be tested for diseases. Spirit Lake Tribe would be willing to pick up the meat at TRNP. Spirit Lake Tribe would be willing to help with rounding up the elk and, if needed, shooting them and hunting them. We would prefer to transport the live elk during the time when they antlerless.